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JOURNAL

OF

SOCIAL SCIENCE,

CONTAINING THE

TRANSACTIONS OF THE AMERICAN ASSOCIATION.

NUMBER XVI.

DECEMBER, 1882.

SARATOGA PAPERS OF 1882.

PART I.

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EDITED BY

F. B. SANBORN,

GENERAL SECRETARY OF THE ASSOCIATION,

CONCORD, MASSACHUSETTS.

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PREFACE.

The present number of the Journal of Social Science contains the Papers read in the Departments of Health and Social Economy at the Saratoga Meeting of 1882, together with the address of the President, and of Miss Clara Barton, and a portion of the debate on the Papers read. The Journal, No. XVII., will contain the rest of the Papers and Addresses read at Saratoga in September, 1882. At that time, the Order of Business was as follows:

GENERAL MEETING OF 1882.

MONDAY EVENING, SEPTEMBER 4.

8, P. M., Opening Address by President WAYLAND.

8.30, P. M., Annual Report of the General Secretary, Mr. F. B. SANBORN.

TUESDAY, SEPTEMBER 5.

MORNING SESSION.

9.30, A. M., an Address by the Chairman of the Department of Education, W. T. HARRIS, LL.D.

11, A. M., Commemoration of CHARLES DARWIN.

12, M., Abstract of a Paper by Miss ALICE C. FLETCHER, of Washington, on *The Civilization of the American Indian*, followed by a debate.

1, P. M., A Report by Rev. H. L. WAYLAND, of Philadelphia, on *The Progressive Spelling*.

EVENING—GENERAL SESSION.

8.30, P. M., an Address on *National Aid for Education*, by Rev. A. D. MAYO, D.D., of Boston, followed by a debate.

WEDNESDAY, SEPTEMBER 6.

9 30, A. M., Address by the Chairman of the Health Department, WALTER CHANNING, M.D., of Boston, on *Boards of Health*, *etc.*, with communications from Dr. HENRY B. BAKER, Secretary of the Michigan Board of Health, and F. B. SANBORN.

10.30, A. M., a Paper on *The Management of Chronic Inebriates and Insane Drunkards*, by A. N. BLODGETT, M.D., of Boston, followed by a debate.

11.30, A. M., a Paper on *Health Care of Households, with special Reference to House Drainage*, by E. M. HUNT, M.D., of the New Jersey Board of Health.

12, M., a Paper on *The Sanitary Condition of Boarding Schools*, by D. F. LINCOLN, M.D., of Reading, Pa.

12.30, P. M., a Paper on *The Health of Criminal Women*, by ELIZA M. MOSHER, M.D., Superintendent of the Massachusetts Reformatory for Women at Sherborn. The debate following this paper was opened by Mrs. CLARA T. LEONARD, of Springfield, Mass.

8, P. M., Annual election of officers.

8.30, P. M., an Address by Miss CLARA BARTON, on *International Relief Associations.*

THURSDAY, SEPTEMBER 7.

DEPARTMENT OF JURISPRUDENCE.

9.30, A. M., Address by the Chairman.

10, A. M., a Paper on *Professional Ethics*, by THEODORE BACON, Esq., of Rochester, N. Y.

11, A. M., a Paper on *Disfranchisement for Crime*, by JAMES F. COLBY, Esq., of New Haven, Conn.

12, M., a Paper by EDWARD W. BEMIS, Esq., of Johns Hopkins University, Baltimore, on *Local Self-Government in the Northwestern States.*

1, P. M., a Paper by HAMILTON ANDREWS HILL, Esq., of Boston, on *The Penalties for Crime against Property.*

8, P. M., an Address by President ANGELL, of Michigan University, on *The Relations Between China and the United States.*

9, P. M., an Address by Rev. WASHINGTON GLADDEN, of Springfield, Mass., on *Unsocial Forces.*

FRIDAY, SEPTEMBER 8.

DEPARTMENT OF SOCIAL ECONOMY.

9.30, A. M., Address by the Chairman.

10, A. M., a Report on *Hours of Factory Labor for Women and Minors.*

11, A. M., a Report by Mr. CARROLL D. WRIGHT, Mrs. H. H. ROBINSON, and Miss LUCY LARCOM, on *Early Factory Labor in New England.*

12, M., a Paper by Miss ALICE C. FLETCHER, on *The Civilization of the American Indian.*

8, P. M., an Address by CARROLL D. WRIGHT, Esq., of the Massachusetts Bureau of Statistics of Labor, on *The Factory as an Element of Civilization.*

In printing these Addresses and Papers it was voted by the Council that the Report on Hours of Factory Labor, by Rev. JESSE H. JONES, should be printed according to the wish of the writer in the peculiar spelling adopted by him; and this has accordingly been done, in the present Number. Dr. WAYLAND'S Report on The Progressive Spelling will be, in like manner, printed in the spelling adopted by the author in the next Number.

At the election of officers for the year 1882–3, the persons were chosen whose names appear in the list on page viii, and these have all accepted their appointment.

At the General Session on the Evening of September 5th, after the Address by Rev. Dr. Mayo, and a discussion of the subject by General Eaton, of the National Bureau of Education, and Dr. Harris, it was voted on motion of Dr. Harris:

"That this Association instruct the Council to consider the feasibility of presenting a memorial to Congress in favor of the passage of a bill appropriating funds for the assistance of popular education in the several States, for a period of years; said fund to be distributed on the basis of illiteracy."

In accordance with this vote the Council at its quarterly meeting, December 28, 1882, adopted a Memorial to the United States Congress, of which the following is a copy:

To the Senate and House of Representatives in Congress assembled:

The American Social Science Association, impressed with the danger involved in the existence of a large number of illiterate voters in the population of this country, as revealed in the last census, for the proper enlightenment of which class of voters many of the States are unable to make adequate provision; and believing that a government resting on the suffrage of the majority of the people cannot preserve itself from corrupt influence, nor secure a high degree of civil freedom, unless education is generally diffused amongst all classes of voters; and further believing it to be within the Constitutional power of Congress to provide in this manner for the safety of the Republic, and that the enfranchisement of the freedmen imposes an especial obligation upon the Government to qualify them for a safe discharge of the new duties devolved upon them; would earnestly pray that your honorable body will take prompt and efficient measures to avert these dangers; that money raised from such sources as your honorable body may, in its wisdom, deem best, shall be distributed, for a limited period, to the common schools of the States and Territories, on the basis of illiteracy; and in such manner as shall not supersede nor interfere with local efforts, but rather stimulate the same, and render them more efficient; said moneys to be distributed under such guarantees as shall secure their application to the object herein named, with equal justice to all classes of citizens.

Prepared by order of the American Social Science Association by the Council of the Association.

Attest: Francis Wayland, *President.*
F. B. Sanborn, *Secretary.*

Boston, Dec. 28, 1882.

The General Secretary in his Annual Report in this number of the *Journal* has paid the tribute of the Association to its first President, the late Professor WILLIAM BARTON ROGERS, and has mentioned briefly the death of another of the founders and early officers of the Association, Judge POTTER of Rhode Island. The hand of another friend who had known him for many years and whose initials will be recognized, adds this more extended notice of the latter:

The Hon. E. R. POTTER, one of the Justices of the Supreme Court of Rhode Island, formerly Secretary of the Jurisprudence Department, and for several years one of the Vice-Presidents of this Association, died at his home in Kingston, R. I., April 10, 1882, in the seventy-first year of his age.

Our Association numbered among its members no more steadfast or loyal friend than Judge POTTER. While the engrossing duties of his judicial office prevented him, for the most part, from presenting formal papers at our annual meetings, his regular attendance, the keen interest which he manifested in the discussion of his favorite topics, and the ripe wisdom which he contributed to our conferences, made him a welcome and much valued associate in our labors.

There were few important problems, in education or jurisprudence, which Judge POTTER had not carefully considered. As Commissioner of Public Schools, he had labored successfully to elevate the standard of education in his native State. As jurist and legislator he had ever been on the side of sound, legal reform. For the crude, careless methods of law-making, so common in our day, he had a dislike amounting to abhorrence, and he gave his cordial support to every measure which promised to amend this serious evil. Conservative of the good, he was not tolerant of the harmful in any subject which engaged his attention or called forth his energies. A diligent student and sincere lover of Social Science, he was warmly attached to the organization in which he had from the first been a prominent figure. His absence from our autumnal gathering will be long lamented.

F. W.

New Haven, Connecticut.

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1882-1883.

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SARATOGA PAPERS OF 1882.

OPENING ADDRESS.

BY THE PRESIDENT OF THE ASSOCIATION, PROF. FRANCIS WAYLAND, OF YALE COLLEGE.

Usage seems to suggest, if it does not prescribe, that one who, as the result of foolish ambition or fatal good nature, finds himself for a second time presiding over the meetings of this Association, shall not add the enormity of a long address to the evil example of a second term.

But while I willingly concede something to your reasonable hopes, I cannot hold myself absolved from the pleasant duty of bidding you welcome to this place and these proceedings. I perform this service the more cheerfully, because, as I speak, the *genius loci* seems to stand by my side and to give added zest and emphasis to the greeting. And truly it is most fitting, that here, where wearied brains recruit their force, and enfeebled bodies regain their strength, and jaded beauty renews its charm, philanthropists should seek a cure for social ills, a remedy for the diseases of the body politic.

Nay, does not a like felicity attend the time of our assembling? We come together refreshed by sea breeze or mountain air, at the close of summer's idle or restful weeks, and, before returning to the engrossing cares of busy lives, pause here that we may devote a few days to the study of that science which aims to elevate humanity to a higher plane of usefulness and happiness.

But in a broader and more general meaning, has not our American Association peculiar reason to congratulate itself upon the favorable conditions under which it is convened? Foremost among these is the very gratifying circumstance that a thousand leagues of angry ocean separate and protect us from the grave international complications which are at this moment threatening the peace of Europe. Indeed, it cannot have escaped the observation of some of you that the President of our sister Association in Great Britain, in his opening address at the session of 1880, confined himself to a consideration of the attitude which it was desirable that England maintain towards Continental powers. His

conclusion was, that "the whole of Europe is inspired by the Prussian system, and that to prevent England from being drawn into this vortex is, in an eminent degree, a great problem of social science." From the necessity of ever considering any such problem as a prominent feature of social science in America, let us fervently pray to be delivered! It is pertinent to remark, in passing, and we say it with sincere regret, that the mother country, in the year of our Lord 1882, does not find herself in an improved or more encouraging condition in reference to her foreign relations.

Again, consider the fact that while Great Britain is convulsed to its centre with the throes of civil strife, of which the most flagrant symptoms are undetected assassination, unpunished outrage and unfinished legislation, we are enjoying a most welcome respite from every variety of domestic dissension. Thanks to the unholy alliance of ignorance and injustice, cowardice and greed, the Chinese question is shelved for the present. The American Indian, always a source of irritation, is not just now a source of alarm. Of this, I believe, no one complains but the Indian trader, unless it be the Indian agent. The Southern negro, dignified by the ballot, enlightened by education and made comparatively independent by habits of industry and thrift, has practically ceased to be one of the wards of the nation. With rival parties bidding for his vote, the danger that he will be seriously oppressed has greatly diminished, if it has not wholly disappeared.

Occasional instances of brutality will, of course, occur, sometimes amounting, as in a very recent case in Alabama, to organized lawlessness, but there is reason to believe that southern sentiment on this question is rapidly assuming a more healthful tone.

But there are other considerations which seem to point to the present as an auspicious time for the work in which we are engaged. Various engrossing topics—mainly legacies of our late war for the Union—which for years largely absorbed public attention, have either found their sufficient, if not always satisfactory, solution, or no longer occupy their former places in the foreground. Of the unsettled and vital questions which remain, decidedly those which most nearly affect our moral and material interests as a nation and as individuals, lie strictly within the domain of social science. Many of them have received skilful treatment at recent sessions of our Association. The relations of capital to labor, the education of freedmen, the adulteration of food, the principles of taxa-

tion, national and municipal, public libraries, civil service reform, temperance legislation in its various aspects, legal and technical education, an elective judiciary, homes for the poor, Chinese immigration, municipal government, free trade and the tariff, savings banks, the protection of immigrants and the prevention of pauperism, the property rights of married women, ventilation and drainage, divorce legislation, American journalism, the treatment of insanity—these and kindred topics, of not inferior importance, have been presented for your consideration in papers of conspicuous merit, followed, not infrequently, by well sustained and profitable debate.

And now, if the question be asked; What has our Association ever accomplished by its papers and discussion?—a question sometimes propounded by men whose highest ideal of an arena for the display of intellectual activity is a political convention, and who only feebly entertain if they do not scornfully dismiss any project which did not originate in a caucus, and does not give fair promise of ending in an appropriation,—we reply, with becoming distrust of our own capacity and an adequate sense of the trivial character of our labors, as compared with those of the average modern "statesman," that while such an Association as ours cannot speak with binding authority upon any subject, and, at best, can only indirectly affect legislation, yet it may possibly serve a useful purpose as a channel through which the public may derive much-needed knowledge on questions of daily interest in every community, nay, in every household.

It would not indeed be difficult to show that subjects which have been earnestly considered and seriously urged upon the attention of thoughtful men by members of this Association, have, in time, largely influenced public opinion and materially modified statute law.

But if this were not so, we should not feel called upon to apologize for continuing the work. He who, in the words of Lord Bacon, "labors for the glory of the Creator and the relief of man's estate," is surely embarked in no unworthy undertaking. To lead men away from "ancient forms of party strife," and seek to combine them in an attempt to bring in "nobler modes of life, with sweeter manners, purer laws"—what is this but the legitimate outcome of an enlightened, Christian civilization—a civilization which acknowledges the universal obligation of the Golden Rule

rather than the heathen spirit of that early inquiry—which finds, I fear, too many friends at the present day: "Am I my brother's keeper?"

In the course of a valuable paper read at our meeting in October, 1869, General Garfield (for many years an active member of this Association) used the following language: "Society is an organism whose elements and forces conform to laws as constant and pervasive as those which govern the material universe; and the study of these laws will enable man to ameliorate his condition; to emancipate himself from the cruel dominion of superstition, and from countless evils which were once thought beyond his control; and will make him the master rather than the slave of nature."

If this be true, and at this day the soundness of the proposition will hardly be questioned, what occupation can be more ennobling, what more inspiring, what more conducive to the welfare of mankind, than the effort by patient research to discover these laws, by apt illustration and analogy to make clear their meaning, and by earnest appeal to emphasize their paramount importance?

Certainly it is not in a period of unexampled prosperity that we should relax our exertions. The manifest danger at such a time is that in the headlong pursuit of wealth men will close their ears to every form of inquiry which does not promise instant and tangible results; that they will "count that day lost" which is not devoted to the perilous excitement of speculation, or the luxurious idleness in which the over-tasked brain and body seek relief and relaxation. Besides these, how many are there who never pause in the race for fortune but to pick up a golden apple, and whose goal is rarely reached until their strength is exhausted.

If any stimulus were needed to incite us to increased activity, it would be furnished by a moment's reflection on the immense benefit which would accrue to society if only a tithe of the wealth which is now worse than squandered, and of the intellect which is debased to ignoble uses, were employed in enterprises which would carry comforts to unnumbered homes, increase perceptibly the duration of human life, and multiply indefinitely the sum of human happiness, simply by the wise application of recognized principles of social science.

And is there not much encouragement to hope for fresh recruits and quickened zeal? It is a time, if I mistake not, when the public mind is disposed, as never before, — certainly in this

country — to consider the problems presented by social phenomena with fearless independence. Indications are not wanting that much of the talent for investigation and construction which once found scope in political circles, is seeking wider and worthier fields. With polities no longer treated as the science of government, but merely as the medium for retaining or regaining control of the national treasury; with party warfare degenerated into a scramble for office; with party watchwords shorn of their original significance and only used as juggling phrases; what wonder that to clear-sighted men who do not belong to the "bread and butter brigade," party platforms no longer seem to afford a safe footing, and party allegiance means only the swift surrender of sincere convictions in the interest of place-holding, or place-hunting politicians? The enfranchisement of such men should mean a considerable reinforcement of any good cause which appeals to the nobler instincts, and labors for the social regeneration of our race.

There is work enough for all. There are errors to be dealt with, which, if not promptly corrected, threaten the safety of society; there are truths to be taught, ignorance of which is daily causing untold misery; there are evil tendencies to be checked, which, unrestrained, will grow into incurable diseases; there are corrupting influences to be counteracted, which, if neglected, may poison the sources of national life. We invite the hearty coöperation of all who profess obedience to the teachings of a common Saviour, or acknowledge the bonds of a common brotherhood.

When we assembled in this place a year ago, the shadow of a coming calamity darkened the land. Sorrow sat on every brow and muffled the tones of every voice. The magnitude of the probable disaster seemed to dwarf all other topics, and, in an especial sense, death claimed that season for its own. A little later, the cloud parted and the bolt descended. The good ship of State reeled at the shock, but quickly righted itself and steadily pursued its course. The dastardly crime by which our President perished, has been avenged, so far as human justice can deal with so execrable an outrage, after a trial which, to say the least, exhibited the utmost solicitude that all possible rights of the accused should be respected. Today, we meet once more, still saddened by the sore bereavement, but rejoicing in the stability of institutions which could survive uninjured such a crisis, and recognizing with devout gratitude, the goodness of that Providence which presides over our destinies.

REPORT OF THE GENERAL SECRETARY.

(Read Sept. 4th, 1882.)

BY F. B. SANBORN.

Ladies and Gentlemen, Members of the Association:

The return of another General Meeting—the eighteenth since the formation of our society in 1865—brings with it the duty of presenting again in a yearly report some of the general considerations and special conditions which make it incumbent on us to maintain, so far as we are able, the study of Social Science in America, and which encourages us to think that our studies and labors in former years have not been altogether in vain. It is one of our compensations for the vastness of the work in which we have enlisted that its tasks and successes lie at the very door of each one of us,—so that, like the French citizen who had been talking prose all his life without knowing it, we may possibly engage in the labors of social science, and even promote its progress in some one department, without being well aware that we are doing so. The moral poet whom our fathers studied and quoted so much more than we do, celebrated a benefactor of Queen Anne's subjects thus:

> "Let humble Allen, with an awkward shame,
> Do good by stealth and blush to find it fame,"—

a couplet that may also describe the life-work of many a faithful follower of the cause we have chosen. This involuntary power in ourselves working for goodness, may well inspire us with courage for such work as our hands find to do.

There are other events and reflections apt to diminish the confidence with which we accost these problems of society and government,—not the least among which is the yearly inroad made by death among the ranks of our associates in this particular work. No year, since we organized in 1865, has been more fatal to high genius and distinguished merit, in America and England, than that which is now closing. The names of Emerson, Darwin, Longfellow, Rogers, Jevons, Potter and other devoted friends of human progress, recur to our thought as we cast a look backward toward these great gaps in our ranks, already too often thinned by death. I do not mean to claim all these illustrious persons as members of our Association,—but they were all leaders in our cause, each mar-

shalling his own forces and confronting his own task. Some of them were too capacious of spirit, too generous of heart, to be limited by the rules of any organization; like Bacon, they had taken all knowledge to be their province, and they led the way in poetry and literature as well as in social science. But this, too, is the high privilege of our occupation as reformers of the world,—that we can claim the fellowship of the loftiest arts, and enjoy the triumphs of poetry and philosophy.

I have a right to say that the eldest of these soldiers of high civilization who have fallen in the ranks where they led so long, since we last met in this hall,—the poet-philosopher, Emerson—thought no science and no art, no achievement of courage or patience or devotion—no studious pursuit and no single act of daring or self-sacrifice—was foreign to the lofty purpose so steadily maintained by him in the long years of his life's campaign. Like that austere friend of his and of mine, who, in solitude and privation, amid the shows and mysteries of nature, had learned the secret of human life,—like Thoreau, Emerson could have said, and did say by his conduct: "No exercise implies more manhood and vigor than joining thought to thought; you conquer fate by thought. The consequences of thinking inevitably follow; if you think the fatal thought of men and institutions, you need never pull the trigger." It was therefore by thought, in its double form of flashing insight and patient, long-considering, slowly-evolving induction, that the transformations of the nineteenth century have been accomplished—whether these wonderful changes be political, religious, scientific or social; and it is the men of thought, foremost of whom I name Emerson and Darwin, who have wrought these changes. A thousand heads have been busy with the problem, a million hands have toiled at the task; but of all these, each in his own field of thought, Emerson and Darwin were the leaders, whether their followers knew it or not.

We honored ourselves last year by electing as a corresponding member of this Association the immortal Darwin, whom we were so soon to lose; and I had the pleasure of reading from this desk his letter to Mrs. Talbot (who had visited him in his rural seclusion in England), modestly offering suggestions for the prosecution of those studies on "Infant Development" which our Association, at Mrs. Talbot's instance, had undertaken. The modesty that heralded and accompanied his great discoveries was itself evidence

of Darwin's genius. It had been conspicuous in his first essays as a botanist, and in the record of that remarkable voyage around the world, in which the young naturalist began to catch glimpses of nature's full circle, which he has since so wonderfully illuminated. If, in the tumult of controversy which his resistless induction excited, he at times took a more dogmatic tone, and pushed his conclusions a little wilfully beyond his own warrant, Darwin still held himself magnificently entrenched in that stronghold of modest experiment, which I can only compare to the famous fortifications of that other great Englishman of our century, whom England's laureate has sung:—

"He warring on a later day,
Round affrighted Lisbon drew
The treble works, the vast designs,
Of his labored rampart-lines,
Where he greatly stood at bay;
Whence he issued forth anew,
And ever great and greater grew
Beating from the wasted vines
Back to France her banded swarms,
Followed up in valley and glen
With blare of bugle, clamor of men,
Roll of canon, and clash of arms,
And England pouring on her foes;—
Such a war had such a close."

For the Peninsular campaign of Darwin was long ago fought and won,—and though we may not accept,—as I for one do not accept,—the strained inferences and atheistic systems of nature for which some would claim the high protection of Darwin's fame, yet who can deny that he stands among men of science now, as Newton did in the days of our forefathers?

Our countrymen and this Association must needs take a closer interest in the memory of that contemporary of Darwin, who was not only a leader in the field of natural science, but foremost also among the students of social science in America, and one of the founders of our society. The late Professor William B. Rogers, of Boston, was our first president, and took the chair at our first General Meeting in Boston, December 26, 1865. He continued to serve as a member of our Council after leaving the presidency, and had for the eight years preceding his death in May last been chairman of the Department of Social Economy, of which I was the special

secretary. This fact, and a long-standing acquaintance which I formed with him in my college days,—though I was never so fortunate as to be a pupil in his classes,—brought me into relations somewhat intimate with Professor Rogers, and gave me that view of his character which all who knew him well have expressed. He was a man singularly well endowed for the researches of science, and even more excellently gifted with that facility of expression and charm of manner which enable the scientific lecturer to impress his thought upon his hearers. If he had not the genial eloquence of Agassiz or the deep insight of Peirce, he had more perfectly than either that clear, logical and yet fascinating utterance which placed those who heard him at once and forever in possession of what he wished to communicate; and of course he could not have achieved this result without establishing between himself and them those relations which true courtesy creates. He pleased because he wished to please, and because he thought those who heard him were worthy to be taught, and were entitled to his best thoughts in his best manner. I have fancied that this perfect courtesy was not only a part of his nature, but had been bred and heightened by his early association with two great Americans, Jefferson and Madison, in whose university at Charlotteville he had been given that scientific opportunity which even native genius needs, to appear for what it is. And we always found in Professor Rogers that broad and tolerant spirit of nationality—never too common, either in Virginia or Massachusetts—which breathed through the writings and the life of Madison and of Jefferson,—as was fitting in men by whom the American nation had been founded and extended. With Madison, especially, in his wise and kindly old age, Rogers was familiar, conferring with him about the future of the University, and the general scope of scientific and humane education.

In physical and in social science Rogers displayed the same admirable traits—a mind receptive and comprehensive, far beyond the ordinary reach of mankind, and with a rare power of co-ordinating its knowledge, and of arranging for other minds the degrees and the perspective of scientific study. This power enabled him to organize for New England that unique College of Natural Science, the Institute of Technology, at Boston, which will remain as his enduring monument, and within whose walls he breathed his last. But physical science, in its widest application for the comfort and

advancement of men, could not by itself suffice for his active and benevolent spirit. He sought also the innumerable avenues of social science, sometimes as a learner, sometimes as an instructor, but always as the ardent but sagacious friend of human progress. When Rogers fell at his post of duty, every good cause lost an earnest advocate, every student of social science lost an active coadjutor.

We lament the loss also of Professor Jevons, of Manchester,—an exact thinker, a clear reasoner, and an enlightened economist; of Judge Potter, a citizen of Rhode Island, who had borne in that little Commonwealth the duties and honors that belong to just men, learned in the law and endowed with public spirit; and of other members less conspicuous, but not less devoted than these. Judge Potter was like Professor Rogers, one of our earlier members, and we miss his presence here in Saratoga especially.

Addressing as we do tonight, Mr. President, many persons less familiar than we have become with the aims and the opportunities of what has long been termed *Social Science*, it may be well to recall a few of the statements and suggestions which, in the infancy of our Association, Professor Rogers, Dr. Eliot, Dr. Jarvis, Dr. Howe. Mrs. Dall, Mrs. Parkman and others who united with them in 1865, gave to the public in this pamphlet,—the first ever issued by this Association,—early in the year 1866.

"PURPOSES OF THE ASSOCIATION.

"This Association proposes to afford, to all persons interested in human improvement, an opportunity to consider social economics as a whole. The persons composing it are expected to meet together to read papers and pursue discussions, and to seek the assistance of those who have a practical acquaintance with reform, as well as that of purely abstract reasoners. They are to collect all facts, diffuse all knowledge, and stimulate all inquiry, which have a bearing on social welfare. It has long since been shown that the man of science who confines himself to a specialty; who does not, at the very least, conquer the underlying principles of other branches of scientific inquiry,—is necessarily misled, and cannot avoid frequent mistakes. To have any perception of the perspective of his subject, he must see it in its relation to other subjects. Something like this is true of those who investigate the necessities of society. If they associate themselves together, they have the advantage of each other's knowledge; they do not misunderstand their own relative positions; and they insure an economy of time, labor and money.

"We would offer the widest hospitality to individual convictions, and to untried theories, provided only that such convictions and theories are the fruit of a serious purpose and an industrious life. To entertain the vagaries of the indolent would be at once undignified and unprofitable.

"THE FOUR DEPARTMENTS.

"1. Under the Department of Education will come everything relating to the interests of Public Schools, Universities, and Colleges; to Reformatory, Adult, and Evening Schools; to Instruction in the Useful Arts; to Systems of Apprenticeship; to Lyceums, Pulpits, and the formation of Societies for the purposes of Public Instruction. In this department will be debated also all questions relating to Classical, Linguistic, and Scientific Studies, in their proportion to what is called an English Education; and the bearing of the publication of National and Patriotic Memorials upon Popular Culture.

"2. Upon the Department relating to Public Health, a very large proportion of the popular interest will naturally be fixed. All Sanitary and Hygienic matters will come before it; and what the Sanitary Commission has learned in the last four years will be made available, through its action, to the people at large. The subjects of Epidemics, of the origin and spread of Cholera, Yellow Fever, and Eruptive Diseases, will be legitimately discussed here. It will consider all questions of Increase of Population, Vaccination, Ventilation of Public and Private Buildings, Drainage, Houses for the Poor, the Management of Cemeteries, Public Baths, Parks and Public Gardens, Places of Recreation, the Management of Hospitals and Insane Asylums, the Adulteration of Food and Drugs, all questions relating to the Duration of Human Life, Sanitary regulations for the Army and Navy, and all matters of popular interest connected with medical science. We shall look to our ablest physicians and surgeons for contributions to this department.

"3. Under the head of Social Economy, we shall consider Pauperism, *actual* rather than legal, and the relation and the responsibilities of the gifted and educated classes towards the weak, the witless, and the ignorant. We shall endeavor to make useful inquiries into the causes of Human Failure, and the Duties devolving upon Human Success. We shall consider the Hours of Labor; the relation of Employers and Employed; the Employment of Women, by itself considered; the relation of Idleness to Female Crime; Prostitution and Intemperance; Workhouses; Public Libraries and Museums; Savings Banks and Dispensaries. Here, too, will be discussed National Debt; the subjects of Tariff and Taxation; the Habits of Trade; the Quality of our Manufactures; the Control of Markets; the Monopolies in the Sale of Food, or

the Production of articles of common use; the Value of Gold; and all questions connected with the Currency.

"4. In the Department of Jurisprudence, we aim to consider, first, the absolute Science of Right; and, second, the Amendment of Laws. This department should be the final resort of the other three: for when the laws of Education, of Public Health, and of Social Economy, are fully ascertained, the law of the land should recognize and define them all. Under this head will be considered all questions of the justice, the expediency, and the results of existing statutes; including their administration and interpretation, and especially their bearing on Suffrage, Property, Privilege, Debt, Crime, and Pauperism. Here, then, will come up the vexed questions of Prison Discipline and Capital Punishment."

Eight years after the above statements were made, what was the third Department in 1866 (under the complicated name of Trade, Finance and Social Economy) was divided into two Departments as they now exist—those of Finance and of Social Economy. Concerning this division and the results which have followed it, the Chairman of our Social Economy Department will make some remarks in his opening address, next Friday. This comparatively new Department has of late years been more active than the Finance Department, out of which it was carved in 1874. One reason for this greater activity is, no doubt, the scope given to women in the Social Economy Department for those investigations, suggestions and social details in which women, by nature and habit, take a lively interest. In all that concerns the condition of the poor; the employment, amusements and domestic comfort of the people; as well as in the management and training of children, we have received, and shall continue to receive, much light from the keen insight and practical experience of ladies, who are either members of our Association, or willingly coöperate with us. Of the latter class, Mrs. Robinson and Miss Larcom, whose Papers will be read on Friday, are good examples.

The subjects which will be brought before you at this General Meeting, both in the sessions of the whole Association and in the Department meetings of Education, Health, Jurisprudence and Social Economy, will offer the customary variety of topics and of treatment. The ground occupied by societies like ours is so broad, and the needs and interests of civilization so numerous and so fast increasing, that it has always been impossible for us to present in a single year even a tithe of the matters of present importance

which might well have come forward for argument and debate. But in a series of years we are enabled to submit papers and addresses on so many of these topics, that our published Transactions, incomplete as they are, have become a constant library of reference—small but choice—to which those persons who are investigating social science, historically or practically, often turn for information. The same remark may be made of the Proceedings of the annual Conference of Charities, now grown to be a bulky volume, which has been yearly distributed to our members. We naturally discuss the same subjects, to a certain extent, in these two gatherings—yet this becomes each year less and less needful, and the time will perhaps come when the two series of publications will in no respect cover the same ground. The questions that we consider here are less national and local than those discussed in the Conference of Charities—becoming oftentimes (as this year) international in their bearing and tendencies. Thus, for example, the address of President Angell and that of Miss Barton relate strictly to international matters, and so, indeed, does the address of Mr. Wright on "The Factory," although his illustrations will be mainly drawn from experience of factory life in the United States. The papers of the Education Department and some of those offered in the Health Department are more special; but others in those departments, and most of those in the Department of Jurisprudence, have a general application which ought not to be overlooked. It is often a difficult matter to steer the course of our Association between the Charybdis of theory and the Scylla of practical application—the demand being constant on both sides—for a stricter philosophy of social science, and for a more immediate, every-day use of the principles and measures approved by social science. This is a strife that can never be settled—no more than the perpetual feud between heat and cold, progress and conservative repose. It is necessary, sometimes, to stimulate or even shock the public mind by the announcement of general principles, at variance, as such principles must be, with the general practice. At other times it is even more necessary to neglect theory, however logical, and attend to practice, however imperfect.

We cherish the hope that the discussions of this General Meeting will furnish useful examples of both forms of debate—and that theoretical truth, as well as practical utility, may gain by what is here presented. Few of you can regard these papers as of equal value,

and no two of the audience will perhaps agree as to the relative value of the different papers; but we have no doubt that all will confer some benefit on those who hear or read. This will certainly be true, and in an eminent degree, of such debates as may call out the spoken wisdom of that illustrious Englishman whose name is so naturally associated with Darwin's, and whom we long since invited to take part in our discussions at this meeting. The condition of Mr. Spencer's health may forbid us the pleasure of hearing him, but we shall welcome him to our sessions and confer on him such humble titles as our Association can bestow, in recognition of the industrious, independent, persistent and manly devotion of his great talents to the study of man in society. It was the loftiest task he could set himself, and it was attended—we know it well—with the suspicion of classes, the aversion or the indifference of masses, and the unfailing misconstruction of motive and loneliness of labor, which are the penalty of him who seeks to pass beyond the accepted bounds of customary opinion.

But Mr. Spencer, a true Englishman, has known how to persevere, and, like a famous American of our day, has resolved "to fight it out on this line if it takes all summer." We dare not promise him that success in all his speculations which such sturdy qualities deserve; for he may have undertaken what is beyond the scope even of his powers to achieve. But should he fail from want of time, or of inherent possibility, we could say of him, as the Roman poet said of that bold son of the gods whom he celebrates,—

> "Hic situs est Phaëthon, currus auriga paterni,
> Quem si non tenuit, magnis tamen excidit ausis."
>
> Here Spencer ceased; his daring course he stayed,
> When Fate forbade, — not even of Fate afraid.

Mr. Spencer has come to see for himself the broad empire of Democracy; to test by ocular experiment the truth of what England has so long been saying about America, and what America has boasted of itself. We welcome him to these far-stretching lands, which have little in common but the sun and the stars and the atmosphere through which we see them—unless it be that subtle moral atmosphere which Democracy has created and by which a free people exist.

In this surrounding medium, "as broad and liberal as the casing

air," the institutions and purposes of America breathe and thrive. The Founder of our nation, as Emerson recites the parable, thus declared our charter and our limitations.

"I will divide my goods;
Call in the wretch and slave!
None shall rule but the humble,
And none but toil shall have.

"I will have never a noble,
No lineage counted great;
Fishers and choppers and plowmen
Shall constitute a state.

"And ye shall succor men;
'Tis nobleness to serve.
Help them who cannot help again;
Beware from right to swerve!

"I break your bonds and mastership,
And I unchain the slave;
Free be his heart and hand henceforth,
As wind and wandering wave."

We must ask our distinguished visitor to study us in the light of our origin and national aim, and to be satisfied with no explanation of our greatness or our failures which does not include this cardinal fact of Equality,—political and social.

In a previous Report I had occasion to say that the establishment, maintenance, and reorganization, after our late revolution, of the American Republic, was the greatest triumph of social science, during the century which opened with the writings of Franklin, Jefferson, and Adam Smith. That remark has been more than confirmed, it has been deeply impressed on my mind, by a journey recently taken through the Northern, Northwestern and Western States of the Union—through New England, New York, Ohio, Michigan, Illinois, Wisconsin, Minnesota, Dakota, Iowa, Missouri and Kansas. Upon those unbounded prairies, and along those endless rivers and lakes, amid the abundant harvests of nature and of culture, it is possible to see—as nowhere else on earth—how mighty is the task of civilization, and how speedily its first great lessons are taught, when a true science of society—I mean Democracy—shows the way. Much as we may blame our American institutions, and much as they may deserve it, the candid must

own, what the enthusiastic boast—that America gives, for the first time, "ample room and verge enough" for the powers of the human soul.

Since we last met, the publication of our National Census of 1880 has been systematically begun—a great undertaking, intended to be proportionate to the vastness of the nation whose public housekeeping it records and makes known. Some of the papers to be read at this meeting will draw on the material of this unparalleled Census,—and we had hoped to ask your attendance at a session in which a former President of the Association—Mr. DAVID A. WELLS, of Connecticut—would draw from the facts of our Census the economic lessons which the country needs now to hear proclaimed. No American can speak with greater authority than Mr. Wells,—for none has more diligently studied or more wisely compared the facts of the case. But the health and occupations of this distinguished economist have prevented his finishing the work assigned him,—which we hope has only been postponed until next year. The magnitude of this decennial Census, and the tardiness with which its results appear, have suggested to some of us the expediency of a separate State census in each of the United States, and, when practicable, as it is already in many States—a yearly census of the population, and the principal elements of wealth, industry, commerce, taxation, etc. At some time during the present meeting an opportunity may occur to discuss this proposition. If not, we may request the Department of Finance to bring it forward for fuller consideration in 1883. By that time it may prove that the results of the National Census of 1880 will have been substantially made known in official publications.

PAPERS OF THE HEALTH DEPARTMENT.

I. ADDRESS OF THE CHAIRMAN, WALTER CHANNING, M. D.

[Read September 6, 1882.]

During the past year, there have been but few changes in the Health Department. At the Annual Meeting held here in 1881, Dr. Emily F. Pope, of Boston, was elected Secretary to take the place of Dr. Cushing. Later in the year, Dr. Pope found it impossible to give the amount of attention to her duties, that the position required, and her place was accordingly filled by the election of Dr. Eliza M. Mosher, superintendent of the Massachusetts Reformatory for Women. The members of the Department being too widely scattered to hold meetings, they were corresponded with by the Secretary, with a view of ascertaining what subjects they thought it desirable to bring to the notice of the Association. In the replies received, several correspondents mentioned the subject of *inebriety* as one claiming special attention, and Dr. Lincoln, our former chairman, proposed as a subject, — "The Influence of Places of Detention on the Health of Inmates." Dr. Lincoln wrote: "There is something to be said on both sides. Benefit accrues from regular habits and good diet. It may accrue from changed prospects . . . Injury may be supposed to come from the necessary restrictions, the silence, the moral depression, the absence of motive furnished by wages. But the chief point that I refer to is the question, whether the prisoner's surroundings *are*, or *can be*, made wholesome, consistently with discipline in a male prison?" Dr. Lincoln asked if the subject had been considered with regard to the Massachusetts Reformatory Prison for Women. It so happened that it had been considered as a subject for a paper for this meeting, and we shall today have the pleasure of listening to Dr. Mosher's paper on the "Health of Criminal Women." I regret very much that a severe surgical injury of some months duration, will prevent Dr. Mosher from presenting the paper herself.

Dr. J. C. Hamilton, of Mobile, again urges the consideration of the subject of inebriety and its treatment, in a letter which I shall

read during the debate on that subject. The paper of Dr. A. N. Blodgett, of Boston, on "The Management of Chronic Inebriates and Insane Drunkards," helps to elucidate this topic, and I know it will be listened to with much interest.

The paper of Dr. Hunt on "The Health Care of Households," is of extreme importance, and I hope will be followed by a discussion. Dr. Hunt is unfortunately detained at home by sickness. Dr. Lincoln, who also is prevented from being with us, contributes a thoughtful paper on the "Health of Boarding Schools."

Leaving this general portion of my brief address, I have a few remarks to make on a special subject, which may be called—

SOCIAL QUESTIONS FOR HEALTH BOARDS.

The age we live in is an age of wonders, and hence, perhaps, nothing should surprise us, and yet I cannot look at the vast work which has been accomplished by Boards of Health within the past few years without amazement. Coupled with this surprise, I have a feeling of the liveliest satisfaction; for in these Boards I see the beginning of that rational struggle with disease which soon will check our rapid progress toward physical degeneration. Dr. Farr, the great English specialist in this branch, once said: "How out of the existing seed to raise races of men to divine perfection, is the final problem of public medicine"; and this problem Health Boards have already done much to solve. Only in the year 1869, the Massachusetts Board of Health, the pioneer State Board in America, was formed. We find in Section 2 of the act which created it, the following words, which, in some measure, explain the contemplated nature of its work: "The Board shall take cognizance of the interests of health and life among the citizens of the Commonwealth; shall make sanitary investigations and inquiries in respect to the people, the sources of disease and especially of epidemics; the sources of mortality and the effects of localities, employments, conditions, and circumstances on the public health."

Dr. Henry I. Bowditch, of Boston, known far outside of Massachusetts as a prominent physician, and a man of remarkable humanity and kindness, had the subject of sanitary science very deeply at heart, and it is to his clear-sighted vision and appreciation of the needs of his fellow men that much of the success of this first Board is due. He was its first chairman, and in his

opening address he said: "Our work is for the far future as well as for the present." It is not to be supposed, however, that he even dreamed of what has already been accomplished in the thirteen years since his address.

The only way in which it seems possible to account for this discovery, as it may be called, of "Boards of Health" is that the time was ripe for their advent. We have found our Nineteenth Century civilization bringing with it many, even innumerable advantages, improvements, and ameliorations, but we have found associated with these things a great variety of diseases. We have civilized whole continents, built magnificent cities, turned night into day, conquered time, but have lost the art of healthful living. Happily, however, the advances in medical science during the last quarter of a century have established a more rational method of regarding disease, and have brought us to think less of cures and more of prevention. This progress in medical science, combined with the great pressure that has been made on us by the diseases of civilization, so long unheeded, has obliged us to turn our attention in this direction. Furthermore, human nature itself has become more rational and reasonable, and less inclined than in former times to be pacified, cheated and cured by the mysticisms, panaceas, and dogmas of a well-meaning but often misguided medical faculty.

For many years before Boards of Health were inaugurated, various investigations had been made in the direction of the study of hygiene; but it was not until Boards having special authority from the State were established, that we began to systematically make extended investigations, and, as a result, modify our laws pertaining to health. From small beginnings these Boards have come to exert a wide-spread influence. They have taken up a great variety of subjects, beginning with the more important, such as drainage, sewage, ventilation, mortality, consumption, intemperance, &c. They have served as the teachers and advisers of the people, and as courts of appeal where hygienic abuses could be carried for redress. As Dr. Bowditch said in his opening address to the Massachusetts Board, already quoted from, "To diffuse a knowledge of the laws of health would be of the greatest importance." In many States, it is safe to say, that this has been done, and in some of them nearly every citizen has been informed, either with or against his consent, that there are still such things as laws of

health, and he has learned how better to obey these laws, or has been indirectly benefited by State laws with this end in view.

We are still, however, very far from having accomplished the work that Boards of Health are destined to perform. The terrible infant mortality in New York and other cities this summer, for instance, makes us painfully aware of the gigantic work still in store for them. Dr. B. W. Richardson, of London, has said, in a recent address,[1] that "in point of health the children of the present age were a reproach." He had never seen a perfectly healthy child, and it might safely be said that no child was born free from the taint of disease. It was these inherited defects which accounted in great measure for the enormous mortality which was found in infant life. In England, less than seven reached the twentieth year; in France only one half, and in Ireland still less. The evils to which mankind is exposed are two-thirds inherited, accidental, inflicted and acquired. Inherited tendencies are the hardest to correct, and they require particular and constant attention. These remarks of Dr. Richardson indicate one of the directions in which Health Boards will be called on to work. There are, as has been said, many others, a few of which should be considered more especially by Social Science Associations, and I will briefly touch on some of them at this time.

It is now common for physicians to be called to see invalids suffering from every variety of nervous affection. It may be said with truth that a whole generation of these nervous invalids has sprung into existence. They present every variety of disease, from simple nervous irritability, to fully developed insanity. The attention of many writers has been called to this subject, and Dr. Beard, of New York, who has devoted special attention to it, has written a book on "American Nervousness." He has been criticised in some quarters for bringing together a variety of symptoms found more or less generally the world over, and giving them a local name; but I think he has good reason for so doing, and thus at once presenting to the mind a group of symptoms which are largely the result of American life and climate, and, as a totality, not found elsewhere.

We are told that insanity has greatly increased during the last few years, and if we turn to asylum reports for an explanation of this statement we see many causes assigned. Sometimes it is ill

[1] Seed Time of Health,—Delivered at the Brighton Health Congress.

health, business anxiety, family affliction, religion; sometimes more remarkable causes, such as the following, which I saw mentioned recently: "Slander, fear, fright, remorse, revenge, anxiety, spirit-rappings, camp life, loss of lawsuit," etc. At the asylum where these statistics were tabulated, 5,052 patients had been under treatment since 1855, and the assigned causes in these cases were physical in 2,070 cases, moral in 1,260, and unknown in 1,722. We do not doubt that these causes were the direct and exciting ones. But were there not many others? Could the moral be separated from the physical causes? Did not the heredity of the patient play a part? Notwithstanding the inference to be drawn from the medical testimony in the recent Guiteau trial, that heredity is not of much account, I fear that we must agree with Dr. Richardson and others that it is of vast importance. But the causes of nervous and mental disease are most varied and complex, and we shall make a sad mistake if we attach too much importance to one element only of this involved causative.

If we search for causes of mental and nervous instability in our daily life we shall be at once impressed by the fact that our lives are too full; that we are laboring under a heavier load, socially, than we are able to carry. There is too much to be done. There is too much literature, too much art, too much music, too much science, too many theatres, too much dress, too much social gaiety. Such a multiplicity of important objects in life wearies and overtasks our mental powers, and renders us less able to successfully struggle against the cares and responsibilities that are imperative. This constant, continuous over-pressure extends into business and professional life, and makes the struggle to obtain the means to gratify these extravagant demands all the harder.

This high pressure system, which we are considering, is especially apparent in the amount of education now thought necessary. We find boys and girls of tender age often called on to assimilate a mass of knowledge which it is absolutely impossible for them to take in. Dr. R. T. Edes, of Boston, has said in a recent article on the subject: "Into a number of knowledge-boxes of varying size and shape, a certain and usually large amount of information on a dozen different subjects has to be packed. Fortunately, many are leaky. The knowledge runs out nearly as fast as it runs in, but the box remains whole. Those which cannot get rid of it so easily are the ones which are cracked." Dr. Edes has very

well pointed out that the boy has a great advantage over the girl in the great variety of avenues in life open to him for success. This advantage makes him less ambitious and less apt to overtax his strength. The very fact that he is a boy, gives him an advantage, for it endows him with a body which can be knocked about during his schooldays in the freest manner in the open air, while the girl is undergoing a process of development, which of necessity cuts her off from many healthful sports, and makes it much more necessary for her to pay close attention to the so-called laws of health. The odds seem to be against her, when we realize how much more important the school education often is to her, and yet how much less she is physically prepared to fight for it.

Another bad feature of this high pressure education shows itself in the lower classes, who now receive an education at our public schools, which not only overtaxes their nervous systems, but also educates them above their natural sphere in life. They often learn to look down on their old surroundings, which is, of course, well in some cases, but injurious in others. We see, for instance, that almost all the employees in our kitchens are foreigners. Our spirited young American girls regard kitchen-work as something rather beneath them. They have been too well educated to devote their time to domestic drudgery. I do not mean to say that over-education is the *sole* cause of this dearth of American workers in our kitchens, for our democratic ideas of social equality, no doubt, have a strong influence on the minds of our young people, and lead them to avoid positions which have the appearance of being menial. As free-born citizens of this great republic, we find it extremely difficult to bend the knee sometimes; in fact, our knees absolutely refuse to bend. In the case of kitchen-work, I regard this false pride as a very grave misfortune, for it shuts out from honest, healthful and lucrative employment, thousands of our young girls, who are led to seek positions as shop-girls, which, as a rule, are poorly paid, and frequently unhealthful and surrounded by temptations. As we are all very well aware, the "servant-girl question," is one of the serious questions of the hour, and I fear we shall not solve it, until we learn more clearly to recognize social distinctions, and teach our young girls that household labor is both respectable and dignified.

In the education of the future, more attention will be given to the physical education, and less to mere intellectual development.

This applies, of course, to both girls and boys, but more particularly to the former. That this attention is already beginning to be paid, we can see occasional indications; for instance, Miss Müller, a member of the London School Board, has recently spoken on the subject, and shown how little opportunity girls get for exercise in schools, and what a vast difference the presence or absence of proper physical development makes in their after life. If M. Bert is right when he says, "When you educate a boy, you perhaps educate a man; and when you educate a girl you are laying the foundation for the education of a family," we cannot well overestimate the importance of the proper physical education of young persons, especially girls.

I have thus briefly outlined a few of the subjects which deserve consideration by us, not only as the Health Department of the Social Science Association, but as members of the general Association. Let us study deeply into the subject of heredity; the physical education of girls and boys; domestic employments; the causes of nervous diseases and insanity. When we have done this, we shall be better able to intelligently investigate the conditions of American social and intellectual life, and eventually, perhaps, be of some assistance to our Boards of Health in making laws which will look to the prevention of the evils to which I have referred.

In closing, allow me once more, as Chairman of this Department, to express for our whole Association an appreciation of the work already done by Boards of Health in the recent words of Dr. Oliver Wendell Holmes: — "There are many memorable events in recent medical history, yet there is one gain so vast, that we can hardly compare any curative measure with it for importance; I mean the knowledge which has been gained in the art of preventing disease; the hygiene of cities, the construction of hospitals, the better study of all those conditions, including climatic influences, which favor health in the two sexes and at different ages."

II. THE MICHIGAN PLAN FOR BOARDS OF HEALTH.

(Abstract.)

BY DR. HENRY B. BAKER.

So far as known to the author of this paper, the Michigan State Board of Health was the first Board of Health purposely established on its plan, which plan may be briefly outlined as follows: It provides for the collection and dissemination of information, and the general advisory supervision of all health interests of the people within the State; but does not give the Board power to enforce any orders other than those connected with its functions just stated. I say "purposely established," because there have been, and there still are, many local Boards of Health which, although theoretically supposed to be effective organizations for the public safety, yet are so hampered by lack of power and means which should be given them by the City Council, or other local authority, that they can do little or nothing for the public good. Such local Boards may get hints of methods of useful work, which even with their limited means they could adopt, from study of methods employed by the Michigan State Board of Health; but the theory of the law in Michigan is that the local Boards of Health should have the power, and should do the work, of combating local nuisances and all other local causes of sickness, including the restriction of contagious diseases. The State Board was established to serve as a generalizing centre. The local health authorities need to know just what they can do, and the State Board of Health, organized on the Michigan plan, can usually respond immediately to the question by references to the law and to best methods of procedure. On the occurrence of a communicable disease, such as scarlet fever, diphtheria, or small-pox, the local Health Board, which has usually never before had to deal with such a case, needs to know immediately what are the measures which need to be inaugurated and maintained until the danger is over; then, if there is a State Board of Health on the Michigan plan, an appeal to it for instruction can usually have as ready response as an appeal to a commanding general for orders, and the best available knowledge (which has resulted from the collection of the information of the best methods of any or all of the local Boards of Health) can immediately be placed at the disposal of the local Board, thus enabling it to

do, in its emergency, vastly better than would otherwise be possible.

That in order to avoid or prevent a disease we need to know its cause, is considered a truism; yet little general systematic effort to gain such useful knowledge is being made, nor is it likely to be made unless by some such means as by general Boards of Health. For such work time is required, and a more continuous length of service than is usual for local Boards of Health to give, because of political and other changes. Sanitarians know enough to begin and carry on the study, the collection and collation of the necessary facts, and the experimental proof of the modes of the production of disease. They are ready to do this work as fast as governments are sufficiently intelligent to appreciate it. They wait for governments because, though it is work which benefits all mankind, unless mankind through its organized governments provides recompense, the benefit to the individual workers is not sufficient compensation; they can make more money as physicians treating the people for diseases which the people do not know enough to avoid or prevent, but which they pay roundly to be treated for when once the sickness has come upon them.

The Massachusetts State Board of Health was first organized on the theory that the gigantic nuisances in the State were to be dealt with by it. That Board did good work, but no one will deny that while engaged in the celebrated case of "Tyler *et al.* against Squires *et al.*," etc., it could not, as otherwise it might, devote all its energies to searching out the causes of diseases, nor towards generalizing and systematizing the public-health work of its State. That Board maintained its existence for about ten years, and then ceased as an independent and separate Board—its functions, however, in its present condition as a mixed Board, becoming more nearly like those of the ideal general Board—on the Michigan plan; although the public health being only one of several subjects considered by the present Board, it may not receive that undivided attention of specialists which the importance of the subject warrants.

State Boards of Health are now established in nearly all the States, but more than this is needed.

At the time, and long previous to the time, when the National Board of Health of the United States was organized, the author of this paper pleaded, and here continues to plead for the main-

tenance of that general Board of Health, which shall do for the United States what a State Board of Health on the Michigan plan aims to do for a State—a Commission or Board which shall systematize and utilize the vital statistics in the United States Census, and all the information now collected by all the Government departments, and which should otherwise collect and disseminate information essential to the best public-health work in this country.

If the United States will maintain such a generalizing centre of public-health work in this country, we shall soon see the grandest progress that the world has ever witnessed; for it will set in operation a movement which cannot fail to yield knowledge of the conditions under which each and every disease proves destructive of human life and happiness. It is essential in order to secure the best results, that the central generalizing body shall have the confidence and coöperation of the great body of sanitarians throughout the whole country, and of a large proportion of the local and State Boards of Health, whose work is by it to be consolidated for the public good. Such has been and is the case as regards the National Board of Health; but the Government has recently taken a much-regretted step backward by abolishing one of its means of prompt dissemination of information, namely, the weekly bulletin, and by crippling one of its sources of information—that by its inspection systems, which had just begun to yield information valuable for incorporation with that from other sources.

Members of Congress seem to be unable to appreciate the fact that movements for the prevention of diseases are of vastly greater importance than are those measures designed simply to palliate the results of the neglect of such prevention; for we learn from the *Congressional Record* that recently large sums of the public money were freely voted to build hospitals for a small special class, (sailors) while these same Congressmen failed to vote to freely sustain the National Board of Health in its work, which is for the good of every citizen of the country, and even for humanity throughout the world.

Comparatively little has yet been done in this country toward the systematic work which has been suggested in this paper, for the reason that individual effort cannot accomplish it, and those we elect to govern us have not all informed themselves on the subject. Sanitary science is one of the latest sciences. It utilizes

other sciences which also are new. Already, with reference to several of the most important diseases, it enables us to predict their proportional increase or decrease as far in advance of their occurrence as the meteorologist can foretell the weather, thus giving, in general terms, the curves by seasons, and even by months of the year; and we are able to add to this the specific prediction of the proportional increase or decrease for the immediate future within about the range of probability reached with respect to the weather, upon which the particular diseases referred to greatly depend. But in such studies it is needful to include facts relative to wide areas; in fact, what the United States Signal Service gains for meteorological progress by being able to generalize its work throughout the whole country, may easily be paralleled by the gain in sanitary science by a similar broadening of the field of view, from local and State to that of a properly-sustained National Board of Health. Whenever that is done, the Signal Service itself will have its usefulness wonderfully enhanced, because its work will be made available for use in saving human life in ways not now imagined by many people, yet which those most actively engaged in public health work know are not only possible, but are entirely practicable.

DEBATE ON DR. BAKER'S PAPER.

Mr. F. B. Sanborn: We have all listened to Dr. Baker's communication, which was only too brief, with cordial assent to its general propositions, and with the understanding that the writer speaks on this subject from a long, practical experience in one of the oldest and best of the State Boards of Health which have been established in this country within the past twelve years. Perhaps, however, I ought to say a word respecting his allusion to the Massachusetts State Board of Health, and to that organization which has taken its place since July, 1879,—the State Board of Health, Lunacy and Charity. What Dr. Baker has said on this subject is capable of being misunderstood; nor do I think he is quite correct in supposing that the functions of the present Board are "more nearly like those of the ideal general Board on the Michigan plan," than were those of the former Massachusetts Board of Health. That Board did not, of course, "devote all its energies to searching out the causes of diseases, nor towards generalizing and systematizing the public health work of its State"; but it did an excellent work in that direction, and perhaps quite as much by its administrative duties as by those of instruction and advice to

the local Boards, on which Dr. Baker very properly lays so much stress. Many of these administrative duties have now ceased, because the work of removing sanitary evils has in some directions been performed; but the present Board, while it encourages the local Boards of Health to do more in this direction than they ever did before, has, in fact, larger duties of administration than the old State Board of Health possessed. That Board found itself powerless in the presence of an epidemic of small-pox, such as existed in Massachusetts ten years ago, and its consolidation with the present Board of Health, Lunacy and Charity was made, partly, because of this lack of power. For it is within bounds to say that had the present Board existed, with its new administrative powers, in 1872 and 1873, it could and would have prevented a loss of life by small-pox at that time amounting to more than a thousand persons, and an outlay of more than $250,000 for the purpose of removing the disease, and taking care of those who had been exposed to it. At present, if the Health Officer of the State Board receives notice of a case of small-pox in any city or town, he immediately communicates it to the Superintendent of the Out-Door Poor, who does the same if he first receives notice; and the two departments thenceforward work together, and in concert with the local Boards of Health, for the suppression of the disease.

Medical officers are dispatched without delay to the infested towns, with instructions to inspect at once the condition of the people with regard to vaccination, and, if necessary, to undertake a general vaccination at a small expense to the State; thus saving very considerable sums of money to the treasury, which would otherwise be drawn upon to meet the burden of supporting those who would have become dependent upon the public by means of this disease. Thus, in one locality, these medical officers found recently within a short distance of a house where there were two cases of small-pox, 150 persons who had never been vaccinated. Three days thereafter, as the result of the concurrent action of these medical officers with the local Boards of Health, not one could be found, and the whole cost of this protection did not exceed $15. So far from any manifestation of jealousy by the local Boards, such as was feared by some, the State officers have been cordially welcomed everywhere, and their efforts vigorously seconded by these Boards. The aid which the State thus gives they fully appreciate, especially as they have some one to lean on and share the responsibility, while they become more efficient in the performance of their own local duties. That is to say, the Massachusetts Board now does exactly what Dr. Baker recommends,—and a little more.

The truth is, no State Board of Health can possibly do all the work which belongs to its field of action at present. We have seen the organization of many such Boards in this country, and the experience of most of them is, in a general way, the same.

They at first undertake the primary and very necessary task of enlightening the public on all sanitary questions, one after another. This, of itself, would be work enough, as Dr. Baker intimates, but no Board is practically left to do this general advisory and supervisory work, and nothing else. Almost always, at the very outset of its work, some question of a very practical nature arises, where talking and advising will not answer the purpose; something must be *done*, and the State Board of Health is expected to do it. In Massachusetts, at first, it was the regulation of slaughter-houses and pork-packing establishments; then it was the practical prevention of small-pox; in the South, yellow fever must be fought with; in all the States, the adulteration of food, drinks, and drugs must be looked after. All this requires administrative powers, and in each State, one after the other, such powers have been granted, or will be. If a State Board of Health fails to meet these practical questions with some degree of success, then it is in danger of being abolished. I do not know why the National Board of Health has been paralyzed by the action of the present Congress at its late session; but I fancy it is because many congressmen were persuaded, somehow or other, that the Board was not doing its duty in respect to these practical questions, with some of which it undertook to deal. I know that in Massachusetts a Board would very quickly come under public censure which did not do something to prevent the spread of small-pox, when an epidemic should come upon us. Such an epidemic did threaten us last winter, and it was warded off, as I believe, almost wholly by the activity of the State Board and a few of the local Boards in the cities and large towns; but the action of these local Boards would have been far less effective had it not been for the increased powers of administration given in 1879 to the State Board. If such powers have not yet been given to the Michigan Board, I shall expect that they will be; and I know they will be exercised, when given, with the same fidelity and efficiency which has characterized the past action of that Board, as described by Dr. Baker.

Mr. Le Roy Parker, of the Michigan State Board of Health, spoke in support of Dr. Baker's views, contending that it was not essential or necessary that administrative functions should be vested in State Boards of Health. Michigan, he said, has aimed to emphasize the system of local boards, to throw the responsibility of caring for disease upon the municipalities themselves. In Michigan every township has a Board of Health, composed of the Supervisor, the Town Clerk and two Justices of the Peace. These town Boards of Health have authority to take every step necessary for the suppression of disease and the removal of nuisances. Every township also has a health officer, to whom it is the duty of every person to report any case of contagious or dangerous disease, so that he can at once take steps to quarantine the premises infected. Mr. Parker thought that this system of Health Boards was the proper one to be instituted everywhere.

III. THE HEALTH CARE OF HOUSEHOLDS WITH SPECIAL REFERENCE TO HOUSE DRAINAGE.

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It is certainly well that a Social Science Association like this does not forget to have its Department of Health, since all that concerns social economy and civic welfare is so closely related thereto. And since we have come to define more accurately the limitations of disease, our control over its prevention, and the large possibilities of appreciating the welfare of the nation by securing the health of the people, make the subject still more important.

Science, Art and Philosophy alike demand that great generalizations be substituted by specific facts, and that social organizations should teach the families of the nation how to give the largest quota of good health and of years to the vigor and perpetuity of the body politic.

The Health Care of Households with Special Reference to House Drainage is the subject assigned to me for remark. Many specifications enter into the full idea of House Sanitary Training and Care, which cannot be enlarged upon in such a paper as this. The fundamental necessity of correct homes is such even in the physical application, as to admit of no substitution, although needing great assistance and extension from the outside, and especially from municipal provision. The Sanitary Code, which looks chiefly after clean streets and public nuisances, if it does not also insure purity within the house is "activity without insight," and superficial in a most misleading way. Social ethics have yet a great field in the details of house association, and in suggesting and prescribing the mere routine of sanitary habits in the home. Clothing, cooking, house-keeping, amusement, eating, bathing, sleeping, airing, heating, cleanliness,—all and many more such words express ideas already enough advised and enough generalized over; but yet inviting such specific facts and such direction as come from closely classified observation and accurate testing.

The House itself in its surroundings, its relations to light and heat, to direct sun-rays and to winds, in the material of which it is constructed and as related to air and dampness in the walls and

to its own powers of equalization, is a very important study; especially since wrong construction is so hard to correct.

House Drainage, if used in its old sense, would relate to such drainage of the soil surrounding, or on which a house is constructed, as shall secure against dampness. The facts as to the effects of confined dampness; the alternations of temperature and the deterioration of house-air caused thereby, and the resulting mould or fungi, and the fact that diseases such as those of the lungs, or those known as malarial and such zymotics as diphtheria, are believed to be largely due to stagnant dampness, may well make us watchful as to this House Drainage. Again, we find that the best material for construction is porous, and that brick and stone will suck up moisture from damp ground, and so air-spaces will become water-spaces, and by abstracting heat or by evaporation will become concealed causes of changing temperature. Since, too, cities have become so compact, and empty so much roof-water into the ground, or by shade and density keep so much more water unreturned to the atmosphere; and since the introduction of water into houses leads to its far more liberal use and spilling, we have occasion to look closely to this kind of house-drainage. By discharging roof-water into conduits or cisterns, by care as to the use of water, so as not to leave it about the premises, and by damp-courses in house construction, we guard somewhat against house dampness. But the most radical and useful remedy is, such deep drainage as shall lower the level of sub-soil water, two or three feet below the bottom of any excavation, and provide a ready exit for the occasional sub-saturation caused by excessive atmospheric moisture. The question of kinds of soil, and the actual record as to ground-water level must here be studied, and drain pipes be so laid as to secure ready delivery for this ground-water. If there is no stream near at hand, or if gravity does not somehow provide sufficient fall, it is best to construct an uncemented cistern to receive this ground-water, and distribute it where the soakage will do no harm. This is much more defensible than the soakage of fouled liquids. A wise man now-a-days, in preparing for the building of a city, would turn his first attention to thorough deep drainage, since thus house-drainage could be permanently secured.

The term House Drainage, as now most frequently applied, (I wish it could always be called House Sewerage) has reference to

the removal of all soiled liquids, and of such offaling, secretions and excretions as are easily or naturally reduced to a liquid or semi-liquid state. The principal fact as to this removal is, that it ought to be made without undue delay. The rule is that, in a health-preserving or disease-breeding sense, no such liquid or offaling is objectionable until from 12 to 18 hours after its production or voidance. Hence all arguments as to the insanitary effects of its handling, or of its conveyance to rivers, are futile, if only you insure prompt delivery. To call it *filth*, in a disease sense, at the start, and to argue against its conveyance because it has odor, or, because by detention, it becomes pestiferous, is no more reasonable than to judge tomatoes unwholesome because decayed tomatoes are sickening. This point is important to be made, because so many arguments as to river pollution, or as to the evils of other transportation and delivery of sewage, are based upon the assumption that fresh sewage is unsafe. It is only unsafe to those who store it, or who do not succeed in getting rid of it before it becomes stale. The one centre problem to solve in house drainage is, how to get clear of fresh sewage through pure clean pipes.

An answer often and perhaps always in order, is to have as little of it as possible. If a proper care is taken not to over-produce in certain directions; not to use water extravagantly; to properly separate such dry material as does not necessarily find its way into water-carriage, and thus to fairly limit quantity in feasible directions, much of the evil arising from needless accumulation would be prevented.

A second answer, in many cases, is to apply the principle of separation and separate dealing with different products, as well as that of quick removal. Thus, in a small garden it is very proper to throw the Monday wash water around the grape vines, and the dish water of each day around some other selected plants in succession, when it would not be feasible to throw all in one place, or to throw some of the products in any visible place. The principle of division of labor as required for plants is as applicable as when applied to animals. It is with this view that there are many advocates of a dry-earth system which seeks to take charge of the more solid excreta, to carefully select all garbage, and then to pass to the flush tank and drain tile system, or small sewer system, all other composite liquids.

Where there are no sewers, the close application of methods of

separation is of the greatest importance. The laundry and kitchen slop fluids can be largely disposed of upon the lawn, or in a cultivated strip of the garden. Garbage can be separated for punctual delivery, to classes not difficult to find, if only there is this kind of selection. The ashes are carefully sifted for admixture with the excreta, or dry earth is made the safe deodorent and disinfectant therefor. The greatest objection to it is that it serves as a kind of excuse for the longer retention of refuse about the home, which is of doubtful propriety, as the rendering innocuous is not always perfect.

Where this separating plan is adopted, the same kind of care as to material used for conveyance is to be employed as where the conveyancer is a pipe. Since the vessels are at times open, and so traps do not avail, soap and water, scrubbing, airing, and drying, and all cleanliness come largely into requisition. Tubs should be metal-lined, or so handled as to secure them against saturation; the kitchen sink should always be of metal that admits scrubbing and the delivery pails equally adapted. The garbage barrels should be of size, shape, and material adapted to quantity, and should be replaced by a cleansed one each time there is removal, and so secure the advantage of a prompt replacement by a vessel that brings back neither particles or odors of what was carried away.

The earth closet must also have its mode of use and frequency of earth removal, such as to avoid all odors, or all possibility of a retention of stored filth instead of clean dirt. It is too often forgotten that the closet must have its well-aired room, of easy access to draughts, and that the commode used must be so left and kept as to admit of the freest circulation of air. Without this there comes a confined smell and mawkish, sluggish air, both uncomfortable and unhealthy. Every law as to ventilation applied to a house water closet, needs equal provision and enforcement where an earth closet is kept. Indeed, the rooms or places in which any vessels are kept which are used for soiled liquids, garbage tubs, etc., need more care of ventilation, dryness, and sunlight than do any other parts of the building.

It must be remembered as to all rooms in which garbage or other material is being separated for removal, that fresh, pure air, free from undue dampness, is a great desideratum. It is a chief objection to cellar kitchens or to underground store places for

refuse, that the absence of light, the dampness, and the impeded circulation of air afford conditions favorable only to the lowest forms of vegetable life, and that these seem easily to invade animal life as found in man.

With these brief comments in general household care, we pass to consider that most usual condition of things in which it is proposed by means of water carriage through pipes to convey the sewage outside of the building. The question whether the conveyance is to be to a cesspool in the rear of the yard, to a series of small subsoil drain pipes flushed by an automatic tank system, to an irrigation farm, or to some stream, does not at this point arise, since all household sewer systems should be constructed on the principle of complete cut-off or separation from these, so far as the chances of the back-flow of fouled air is concerned, and so as to provide proper fall and ready exit.

The first principles of house sewer drainage is (a), that whenever there is a sink, bowl, closet, or any other contrivance for the reception of slops or excreta, it must be made of such smooth non-absorbent material as will not retain either soiling or odor, and be so accessible as to admit of the free use of soap and water; (b), that at, or near the joining of the out-going pipe to such sink, bowl or closet, there should be a trap or seal which will not admit of the return of any gas through it; (c), that at the exit of the pipe from the building, there should be free opportunity for the circulation of common air; and (d), that beyond this there should be a trap to cut off all communication with the sewer or cesspool. This generally means that at the point where the main house pipe emerges from the building there should be communication of the pipe itself with the outer air by an upright vent.

The design of the trap just beneath the wash-bowl or other receptacle is to prevent the inflow of any foul air which might come from any portion of the pipe, although with a proper pipe and proper ventilation thereof, even this ought not, under good administration to occur. Yet we have to provide for imperfect construction and administration. In a similar way the outside trap is an extra safety.

The trap generally relied upon is what is known as a running trap, or some form of bend in the pipe, which, by making a dip for holding water, cuts off the ingress of foul air. How deep this trap shall be, whether it shall be a D trap, or an S trap, or some

form of trap not directly dependent upon a water seal must be determined by the location of the pipes, the amount of use, and the care with which oversight is exercised. The complaint that the water which forms the trap itself is soiled, and absorbs gases from the outer side so as to pass them within, does not seem to be sustained, unless the liquid itself is already poison, or the flow is so seldom used as to allow the trap water to become intensely stale, or to evaporate entirely away. Because this often occurs in summer hotels during their disuse the rest of the year, it has been proposed to remove all the traps at the end of a season, empty them and fill them with oil, or pour down enough oil to force out the water in the traps. That water trap is most perfect which is just deep enough to make a complete seal, which is so smooth as not to retain any organic matter, and which is of that shape which leaves the least inside surface untouched by the flowing stream. It is because an S shaped trap leaves less than a D that it is generally preferred. Such traps as the Bell trap are disapproved, because, in addition to an unwashed surface, they provide a kind of a small local cesspool. There is a slight modification sometimes from the S trap, such as we see in the Adee, to provide against possible syphonage in some cases, to which we shall allude hereafter. The Bower trap is a specimen of kinds which do not rely entirely on a water seal, but use the water to float a ball or control a valve, so as to close against the inflow of foul air.

The great point and the one which most of all marks progress in modern house sewer pipes, is the avoidance of any additional traps along the course of a pipe, and the having of an opening therein for access of common air wherever practicable, at or near its exit from the house. Two ideas as to house pipes have dominated the plumber's art. The first was to keep out foul air by traps, and to make assurance doubly sure, the more the better. That was a great blunder. So soon as we get beyond one trap in the same pipe and have no intermediate vent, we make between every two traps a space of pipe from which we have excluded common air, and so prepared a chamber not only for the holding but for the manufacturing of foul air. Hence, too often such tubes become elongated cesspools, and in their own miniature way slowly collect changed particles of organic matter.

The next dominant idea was, that water flowing through was a perfect cleanser. We still cling to water as greatly available for

all cleansing, but both experience and science show us that organic particles tend to cling to, or are by condensation landed upon the inner surfaces of pipes in such a way, as that the gentle flow of an intermittent stream by them, does not remove them; and especially if many traps are interposed. Hence, as to water itself, we have come to study the rate of flow, the continuity of flow, the power of the friction of surfaces, the best shape of pipe to secure a rapid stream, the methods of flush instead of trickling, and so are coming to calculate the actual cleansing power of water as it is, or may be applied in house pipes. Here we see how hydraulics has its application to life and to the machine, man, as well as to mill power.

But a still brighter and better idea has of late supplemented the science and the art of a sweet home. It is that the gases of decay, as found in house pipes or sewers, are mostly the result of the deprivation of common air in circulation; that the way to avoid sewer or house gas is not to make it, and the way not to make it as to correct it, if it exists, is to allow every pipe to be thoroughly flushed and cleansed by the active circulation of pure air. That is the valuable thought on modern house drainage or sewerage. It is so to construct pipes as that very frequently there shall be the best opportunity for the ingress or egress of common air. It is for this reason that it is now insisted that every main soil pipe should have an opening above the roof, and another as it emerges from the building with no trap intervening in its course. It is assumed that all the pipes leading into it from closets, etc., on the different stories, will be so short as that their connection with the main pipes will secure for them a draught sufficient to dispense with that opening at each end, upon which, as a rule, we depend for draught.

This principle of a soil pipe permitting the free ingress and egress of common air is now, we think, the ruling idea of house sewer pipe arrangement. Details are not as yet completely settled. We need a little more testing and computation to assure us when and where there will be such currents in pipes open at both ends, as will secure a sufficient flush of air; what is the best size of tube; how in case of stagnant or insufficient current, activity is to be secured; how far the main tube can be depended upon to secure ventilation of side tubes; how far heat may be made available as a motor of air in tubes; and many such ques-

tions, not difficult of solution when accurate tests in sufficient numbers shall be made. Good authority now asserts that in a properly constructed soil pipe, with inside connections thus open, the outer opening may be just by your window or door with perfect impunity, since in such a pipe foul air cannot be. Others more cautious, for fear of incompleteness, contend that the outer opening or ventilation shall be carried up a little into the air by an air pipe along side of the house, or up the nearest tree. Only we must be sure that in our pipes air actually does flow as we believe it does. Every chimney does not draw enough, and every tube heavy with foul or damp air does not have current enough.

Many of the points are not yet determined with sufficient accuracy, or have not been tested by sufficient observers and a needful number of recorded observations. I have had occasion to find that many plans of ventilation elaborately arranged for larger spaces, do not always draw at all, or draw in a right direction, or with sufficient force. There is now a distinct study of pneumatics to be instituted as to tubes of various sizes, shapes, bends, position, etc., before we can decide just how far sewer and pipe ventilation is successful.

An adequate draught here is not merely for carrying away, but for oxidation and other chemical transformation. Alternate heat and cold by which wind currents are produced, or the methods of motion in air currents have application to sewers as well as to the ventilation of dwellings. A large bellows blowing into a pipe will purify its air faster than water, while suction not only displaces the sewer air, but both oxidizes and substitutes it.

Just *outside* of this circulation opening, on the street side thereof, it is usual to place a trap as a safety trap to prevent any foul air from coming through the main pipe from the cesspool or sewer; although if this and its pipes are properly ventilated, it is claimed that they too will be free from unhealthy air.

Alternate air flush and water flush can therefore be said to be the modern disinfectants for pipes. We are yet to be assured just how best to make sure, sufficient currents of air through pipes. We are to remember a calibre of from four to six inches is needed, that the ends should be so situated as to command draught, and in some cases, have funnels like those of a large ship, which can be turned so as to command draught.

A moderate degree of heat, properly applied, is sometimes indispensable. But a good sized soil pipe, open at the roof and open near the ground, or a few feet above it, is pretty sure to have its circulating air-currents. Ere long by anemometer and other tests, we shall know how to estimate the real and proper velocity of all currents in house and other sewer pipes.

As to the construction and placing of inside pipes, their jointing, their fall, etc., are now pretty fairly determined. Bath-tubs, water bowls and closets, had better have their joinings with the main soil pipe distinct from each other. Any overflow should return its waste to the pipe above the trap. Plumbers' work, where possible, should be in sight, and the joining workmanship be of the best construction. The uniform thickness of the pipe used should be a matter of test by plumbers, and dependence not be placed on the weight alone. Iron pipe is now usually preferred to terra-cotta, where it is to be placed out of sight.

Thus far what we have said applies the same to the house, whether its sewage is to be conducted to sub-soil pipes, to a cesspool, or to a general sewer system of a city.

In either of these cases the house can be protected from inside production and escape of disease-breeding air, or from the inflow of the same from without. But if the house sewage is to go to sub-soil pipes, or to a house cesspool, or if there is an outside privy, even with perfect cut-offs, these of themselves may cause soil pollution or air pollution by their too near proximity to the house.

Where the sewage is conducted to a tank like Field's flush tank, to be distributed to loose laid pipes underground, two principles are made available. One is, that the automatic flush every few hours removes the liquid soon enough, and at the same time scours or cleanses by the force of its motion. The other is, by this intermitted flow, air and water do alternate, purifying service in the pipes, while at the same time the sewage is distributed so few inches underground as to allow of its natural appropriation by the herbage and crops. In the use of this plan careful but not difficult administration is necessary, in order that the *tank* may be kept in cleanly condition, and not become a cesspool, and that such tillage is used as enables the soil to appropriate the plant food placed within it, thus preventing soil pollution.

Where a cesspool is, or has to be tolerated, there are two meth-

ods. The one is to have a cesspool that is made without cemented bottom, or in whole or in part with the sides laid with loose stone or brick, so as to allow all liquids to soak out, carrying with them much organic matter. This soakage will continue longer if the grease from liquids is separated before discharge into them. The apparent success of this method will largely depend upon the character of the soil. If it is of a loose or gravelly character, so as to admit air and liquids freely, no doubt much of this matter is oxidized or flows off, even where too deep to be reached by the roots of grasses, plants or trees. But in all cities there is a limit to this process, and it is often fraught with risk in country places. We know of a recent outbreak of typhoid fever, in which owing to a change of strata at one point, and a dip contrary to the contour of the surface, the sewage found its way around and into the walls of a cellar basement, and so without much odor saturated the building. In other cases, unusual heat of a season brings this unappropriated manure which has thus been lodged in the soil into fermentive activity, and administers it to persons instead of to plants. In other cases the *débris* which has been left in the uncleaned cesspool, itself takes on degraded decomposition and administers its own attenuated and peculiar poison to a household. The cesspool system, therefore, needs always to be labelled "extra hazardous," although an explosion cannot be warranted each summer.

The other cesspool system is to have a closed tank or cistern thoroughly cemented, and then to depend on odorless excavating apparatus to empty it at proper intervals. Although such tanks often become cracked or seamed, as a rule they prevent soil pollution, and so are preferable to the uncemented ones. The emptying should, as far as possible, be done in the late fall and early spring, although perfection of method is now claimed to justify emptying at any time.

Should cesspools be ventilated or exposed to light? It is claimed by some that either air or light in contact with stagnant filth or befouled liquids tends to excite them to decomposition, and so do not mitigate such concentrated evils.

The other view is that light and air prevent the more degraded forms of decomposition and so moderate the evil.

No doubt these stagnant pools do provide themselves with a kind of scum or protection which partly seals them from the air,

and for a time they are less noxious than if disturbed. We think the best sustained conclusion is that it is better not to expose them to sunlight, because of sun-heat, but that it is better, by means of an open tube or chimney, or a kind of double chimney, to secure circulation of air between the top of the liquid and the ground level. Cesspools should in all cases be as far removed as possible from the dwelling, so that the air about these may not be directly contaminated. As to pipe connections, by the methods already indicated, we believe all influx of air from them, or from other forms of sewers, can be prevented. Having thus pointed out the safe methods for constructing house sewer drains and their immediate connections, and how proper air and water flushing are secured, we leave it for others to apply the same general principles to more extended sewers.

IV. THE HEALTH OF BOYS' BOARDING-SCHOOLS.

(ABSTRACT.)

BY D. F. LINCOLN, M. D., OF READING, PA.

A boarding-school (or seminary) includes recitation rooms, study rooms, dormitories, wash rooms, bath rooms, rooms for music and drawing, gymnasium, playgrounds, sick room, dining room, kitchen, servants' quarters, residence for the principal, store rooms, coal cellars, etc., and a drainage and sewerage system. It is superfluous to enlarge upon the various combinations and groupings which may be made. A compact plan, while it has certain advantages from a disciplinary point of view, must be objected to in certain particulars.

Every source of bad air, everything that can give rise to odor, should be detached from the occupied quarters. Cellars under the school should not be used to store provisions. Laundries and kitchens should be placed and planned so that the smell of food will not enter the school. Servants' quarters ought to be practically inaccessible to the scholars.

Closed quadrangles; houses too closely adjoining; buildings so connected as to prevent free access of wind and sun; excessively large single buildings; in fact, all impediments to circulation, are decidedly objectionable. A building or wing running due east and west is badly placed.

It may become necessary to enlarge a school by adding a building. As a rule, detachment is to be sought for. If not a wholly detached structure, we may have at least a semi-detached wing. An entry or hall running transversely should cut off the new wing entirely, in each story, from the old part. Ventilation is greatly aided by this part of the plan. If the same idea is carried out through the building, every room and passage will have access to staircases on two sides, the advantages of which in case of fire are obvious.

A boarding-school presupposes a dormitory, as a matter of course. Shall this part of the establishment consist of one large room without partitions — or of one single room for each scholar — or shall some intermediate plan be adopted?

In deciding this question the most obvious consideration is that of practical utility in regard to warming and airing. It is a troublesome matter to provide properly for a large number of little rooms, while one large room, with reasonable care, can be warmed easily, and ventilated (if necessary) by open windows. A person occupying a little room cannot safely sit with the window open in winter, unless he is quite hardy. If such a room requires warming, it is impossible to warm it satisfactorily by placing a stove in it. The heat is now too great, now too little; gas escapes; coal dust and ashes make a nuisance; the room is too warm to sleep in if the fire is kept up, and too cold to get up in, if the fire is taken down at night. It is by no means impossible to heat rooms by furnaces placed in cellars; or, still better, by steam apparatus similarly placed. But, after all care, with good apparatus and correct distribution of pipes, it is not judicious to allow young boys to have the control over a heating apparatus — no, not even over the orifice of a hot air pipe entering their rooms. The air ought to be regulated for them; its due temperature secured, and a due exchange of fresh air established, by an intelligent supervision. Hence, a common dormitory has distinct and obvious advantages, from this point of view.

Such arrangements as exist at Williston Seminary and other places — groups of two or three bed-rooms containing one person each, and opening upon a single sitting-room used in common — are certainly desirable and pleasant. Purity of air can be secured in such cases by opening the windows of the rooms which happen to be unoccupied, and keeping the doors ajar.

The fact that both plans have their advocates, shows that both have points in their favor, and there is certainly something to say for the single room. It is the boy's own room; he is at home there; he is master of it, and is responsible for it. On the other hand, there is a distinct danger in associating two or three boys under circumstances of such intimacy; and there is also a danger in allowing a boy to occupy a room alone. Upon no point is more tact and knowledge of individuals required than in the assignment of single rooms, and the grouping of chums. I must confess to an impression in favor of a rather large group, perhaps of ten or a dozen or more boys in one room, as consonant with a wholesome boyish openness and sociability of nature. Still, there is no wish to force this view upon others, whose opportunities for observing give them a just title to be listened to.

As regards the size of rooms, much depends on circumstances. For dormitories, the requirement should be large; not so large as in barracks, but liberal. In a noteworthy series of articles published by the London *Lancet*, in 1881, an estimate is given, which may be accepted as a minimum standard, viz.: Six hundred and fifty cubic feet of space per head for boys under twelve years of age, and eight hundred and thirty for boys from twelve to sixteen. It would be well to restrict such rooms to one use; not to let them be used for studies; to have the windows open all day, and keep the boys out until bed time.

This class of rooms is occupied continuously for ten hours every night; but with other rooms, the case is different. It is to be supposed that a school-room is not occupied continuously for longer than two or three hours without a thorough airing by windows, in addition to constant flue ventilation. One-third of the space mentioned above, is found to be practically sufficient for such rooms. Recitation rooms are very often slighted in respect to space. Where the school is planned with one large, common room for assembly, it is often the case that the recitation rooms are twice as crowded as the large one; paltry, stuffy, dark, draughty little corners and holes of rooms. Music rooms, and other special apartments, are apt to be too small for free circulation.

A few defects in planning may be mentioned here. Some dormitories are arranged in long rows of small rooms on one or two sides of a straight corridor. This is very well; but let the architect see to it that such a corridor has ample provision for through

and through ventilation by large windows at each end. One is tempted, in enlarging a house, to add rooms at precisely the points which must be left free—the ends of the corridors. If we wish to add a new wing, or a passage to a new suite of bathing rooms or water closets, these arrangements must not close the end up.

Again, it is questionable whether the grouping which prevails at Vassar College is correct. In this case, one sleeping room in every group of two or three opens upon a corridor only, receiving no sunlight or direct air from out of doors. But let me hasten to add that fresh air *is* admitted, even to these "inside" rooms. The watchman who patrols the corridors all night has orders to keep the young ladies' windows wide open from the top, and the corridor windows open to the night air. For the matter of temperature, it is cold enough in those corridors for him to wear a great coat.

In any case, rooms facing due north must be rejected for the purposes of sleeping; they are only desirable where a peculiar light is wanted, as for drawing.

As regards ventilation, a good deal of air from out of doors may be let in by the tops of windows, screens being arranged so as to prevent its falling at once on the heads of sleepers. This presupposes a large and high-studded room.

A room ought to be reserved for hospital uses. It should be remote, dry, airy, and sunny; should receive no unpleasant odors coming up through its floor from unventilated cellars, or through its plaster walls from adjoining store closets. The floor should be of wood. Abundant means of ventilation should be provided, including a well drawing chimney. But such a room ought to be seldom used. If frequently resorted to for severe colds, headaches, or other troubles, there is reason to suspect something wrong in the arrangements of the school itself. Boys should be looked after to prevent taking cold. Exposure to cold draughts, or to enervating heat, the wearing of wet or insufficient clothing, sitting on the ground in early spring, unwarmed bath rooms, and other causes of chill may be sought. Insufficient power in the heating apparatus may be a constant cause of physical weakness among the pupils; and of all predisposing causes of catarrh, none is more distinct in its effect than confinement within doors.

Health may be interfered with by arrangements for discipline. At the present day it is customary to condemn the use of corporal punishment; in fact it is largely banished from the better class of

public schools in the Northern States. A new class of influences is relied upon to procure obedience. . . . . .

If a boy cannot be whipped he must be punished in some other way, and the readiest plan is to keep him in from play. For those boys whose inclination to physical activity is greatest, and who are constantly in mischief from this cause, there remains the deprivation of the Saturday's holiday, in whole or in part; the compulsory sitting before a desk, with or without a task to learn, in company with kindred spirits in like bonds. What a boy suffers under such circumstances is only paralleled by the wretchedness of the unhappy teacher, whose severest morality is called into use by the necessity of keeping his temper at all hazards, in the midst of ill-temper.

In short, a system of discipline where bodily restraint has to be employed frequently, constitutes an infringement upon the laws of health. It would be better to return to the old-fashioned code, and adopt the practice of one English master, who replied to the inquiries made by the London *Lancet*, in terms as follows:

"We have compulsory gymnasties half an hour. Every boy must be out at least forty minutes before dinner, engaged in some out-door exercise. Every boy may be out rather more than one hour before dinner. Different forms are out at different times, but all have two intervals, one about ten minutes, the other nearly an hour. Gymnastics, etc., are taken at other times. Golf is greatly played, but boys are almost made to play hand fives occasionally, as being one of the few exercises which develops the left side of the body. At 3, P. M. every boy is obliged to dress in flannel, which, except in summer, must be changed before tea. He must be out of doors from 3.15 to 4.30 at least. During the latter part of the time there is some compulsory game—hockey, Rugby football, association football, and athletics in their season. The daily time of football is forty minutes. In the cricket season boys must join in the sides, except they have leave off, which is easily got for bird-nesting (if they are really collecting). In winter, if they can be spared by the heads of sides, boys can, occasionally, leave off football, etc., provided they take some really warming exercise, such as a run, before changing for tea."

Every friend of boys must heartily approve such a system, so far as our climate makes it feasible. Schools must, at least, have a plenty of land suitable for such sports. If cricket, base ball, or

foot ball cannot be maintained, there are two excellent substitutes —or, rather, partial substitutes—a gymnastic drill and military drill.

Of military drill I can speak with pleasure from an experience of its effects. It encourages promptness, attention, obedience, neatness; it is enlivening, and very attractive, if carried out by a good drill-master. The amount of exercise obtained in half an hour depends, of course, on the way the drill is conducted; but, on an average, while it is not adequate to the needs of a day (no, nor half adequate), it supplies a very important need in the case of indolent boys. The constrained attitude, which is of necessity adopted, and the limited variety of movements in the ordinary manual of arms, render the drill an insufficient instrument of bodily development when taken by itself; but if associated with gymnastics, selected for the purpose of supplementing its deficiencies, it has excellent uses.

The "setting-up drill" consists of a great variety of movements of the body, as bending and twisting of the trunk, neck and arms, designed to give suppleness and a good carriage; it is a variety of "free-hand" or "light" gymnastics, practised in classes under a teacher, and requiring a good sized hall, free from obstruction. Something of the sort is made necessary by the fact that while on drill, the gun is mostly carried in the right hand, the positions with the left hand being comparatively uncomfortable or difficult; hence a certain tendency to sink the right shoulder in marching.

From nine to ten hours of sleep are required by the majority of boys. To retire at 10 and rise at 6, gives a minimum allowance for the oldest boys. Study before breakfast should rarely be allowed. To rise and sit an hour in a cold, badly-lighted room is enough to take away the appetite for breakfast. About eight hours is a maximum requirement for study and recitation combined in the case of older pupils.

It is needless to say that a boarding-school ought to be in the country. But this very circumstance may entail special risks in a sanitary sense. Sewerage, which may be presumed to be well cared for in any good sized city, is specially difficult to manage in places where there are no drains, and where public sentiment has not reached the point of demanding drains. Now, there are two ways, as I have observed, of establishing an efficient system. The one way consists in doing exactly as our revered forefathers have

done; in assuming certain nuisances as a part of Nature's ordinances; in providing dark, unwholesome, barbarous resorts for those whose minds, tastes and manners are under special training and development; and then—applying the words *accommodations* to that which is ill-convenient, and *water closets* to that which is destitute of water. How it is possible to overlook the existence of such an establishment, abutting upon a dormitory and sending its odors a hundred feet across the yard, I do not know. But there are other ways, perhaps requiring some special skill in adapting them to circumstances, which may be here mentioned.

First, there is the system of dry-earth removal, requiring a little daily attention from the gardener or janitor, and an entire removal once in a week or two. Very simple methods will suffice, on the one hand, to prevent soakage into the soil or woodwork, and, on the other, to isolate the building from the school. There are several ways of effecting this object, some of which are described in the current report (1882) of the New York State Board of Health, while others are given in an earlier number of the Massachusetts reports. In the third place should be mentioned Col. Waring's plan for removal of water in large bulk from closets by means of Field's Flush-tank, and tile drains laid near the surface of a field of grass. When the soil is suitable, and due care is taken, this system is admirable, in connection with a system of water works.

V. THE HEALTH OF CRIMINAL WOMEN.

A PAPER BY DR. ELIZA M. MOSHER, OF THE SHERBORN REFORMATORY PRISON.

The word criminal, though commonly applied to the inmates of penal institutions, includes in its strict sense all persons who commit an offence against law, whether convicted or otherwise. In America, the number of such persons within the precincts of each State, depends not only upon the amount of its population, the stringency of its laws, and the vigilance of its police force, but also upon the number and size of its cities, and the industries which it carries on. Wherever men and women are herded together, as in the poor and squalid portions of large cities, or great numbers are employed at special work, as in our manufac-

turing towns, there will be found those influences which make criminals of men, and even more surely of women.

The physical condition of individuals often deteriorates *pari passu* with the moral nature, especially in those cases where intemperance and unchastity are the underlying vices.

To study the diseases of such a class, with the hope of arriving at any but the most general conclusions, is a formidable task; and yet, since the inmates of our jails, houses of correction and prisons, are but representatives of a much larger number who walk our streets, scattering contagion, both moral and physical, and filling our hospitals and dispensaries with patients, it seems worth while to see what can be deduced by a careful examination of a number sufficiently large to represent the class. The object of this paper is, therefore, to ascertain, if possible, the extent and direction of the influence which a life of crime exerts upon the health of individuals; and, as our observations have been mainly confined to criminal women, we have limited our study to this class. The statistics which we shall present have been taken from the records of the Massachusetts State Reformatory Prison for Women, and extend over a period of four years. During this time, 2,196 women were committed to the prison for crimes, which, for the sake of convenience, we have classified under the following heads, viz.: I. Offences against person and property; II. Offences against chastity; III. Offences against public order.

The first class includes all the cases of assault, fraud, larceny, arson, burglary, manslaughter, etc. In this class we find but 310 commitments; the larger number of these women were of foreign birth or parentage; their ages range between fifteen and fifty-three years; nearly all could read and write, and about half were unmarried. Many were sentenced for the first time.

In the second class, there were 515 commitments. Of these a majority were natives of the United States and British Provinces; most of them could read and write, and more than half were unmarried.

The third class includes the cases of drunkenness, vagrancy, disturbers of the peace, common railers and brawlers, idle and disorderly persons (which is but another name for either drunkenness or unchastity), etc. There were 1,271 such women committed; mainly of foreign birth; among the number were many old women, though the average age was about thirty years. A large number

could neither read nor write, and fully three-fourths were married.

It is safe to say, that of the whole number committed during the four years, more than four-fifths were intemperate, and more than three-fourths were unchaste.

Turning now to the hospital record, we find 2,076 cases of illness during this time. Some of these were readmissions of the same individual. A small proportion were infants, which, with the cases recorded under the head of "slight ailments," we have thought best to exclude from our analysis, thus leaving 1,704 cases of illness, of which a careful diagnosis was made, and a record of symptoms and treatment kept. Upon tabulating these, we find syphilis to be the prevailing disease, 305 cases being on record; to these might be added as many more in whom the disease was not in a sufficiently active form to make their admission to the hospital a necessity. With these figures before us, it is safe to conclude that one woman out of every four committed to the prison was syphilitic. Thirty-two of these cases were found under class I, 100 under class II, and 173 under class III. Of the 100 women sentenced for larceny, who were sick in the hospital during the last two years, eighty-six were known to be unchaste.

Next in frequency, we find cases of alcoholism, of which there were 198; of these 171 were found in class III, eleven and sixteen in classes I and II respectively; twenty-five cases of delirium tremens occurred, all but two of which belong in class III. There were 139 cases of tonsilitis, which were very equally distributed among the three classes; 101 of these occurred during the winter of 1878 and '79. Dyspepsia and rheumatism were common ailments, though but sixty-three cases of each were sufficiently acute in character to need admission to the hospital. The number treated from the dispensary was large. These patients were as widely distributed as the habit of intemperance.

Only thirty well marked cases of insanity were recorded during the four years, and several of these were recommitments to the prison of women who had been transferred to a lunatic hospital during a previous sentence; twenty of the thirty belong under class III; also, twelve of the fifteen epileptics who found shelter in the hospital. Paralysis, neuralgia and hysteria prevail most largely in class I, in proportion to the number of commitments; here, also, are found the greatest number of cases of anæmia and diabetes. Of the seven cases of puerperal fever which occurred,

five belong to class II (offences against chastity), also, eight of the cases of masturbation placed under special treatment. Diseases of the eyes, malarial fever, miscarriages, and pulmonary consumption, occur in excess also in the second class. Of the last named disease, there were in all twenty-eight cases, in most of which the disease was established when the women were admitted to the prison. But four cases of pneumonia, and eight of pleurisy occurred; twenty-one cases of bronchitis were treated in the hospital; seventy-two cases of uterine disease were sufficiently severe to need hospital care for a time; a large number of women were able to work, but required medical supervision.

Coming now to the surgical patients, we find but thirty-two cases in class I, against sixty-five in class II, and 162 in class III. Abscesses and ulcers occurred in great numbers, as might be expected in a population like this. Rectal diseases, also, were common. Twenty-four deaths occurred among adults at the prison during the four years; of this number, one died of alcoholism, two of apoplexy, one of brain softening, one of diabetes, one of œdema, one of gangrene of the lungs, one of heart disease, one of enterocolitis, two of peritonitis, five of consumption, one of puerperal fever, two committed suicide and five died of syphilis. Seventeen of these were found under class III, four under class I, and three under class II. Among the cases of syphilis treated, a great variety of conditions were observed. Many women came to the prison in the most revolting state possible, and in which they had, not infrequently, carried on their vile practices for months. Some of these claimed to have sought admission to the general hospitals, but had been refused because of the character of their disease. In other women the initial lesion was still present when they were committed to the prison. A number seemed healthy when they entered, but after a time manifestations of the disease in its later stages appeared. All these cases were treated systematically and thoroughly, with results favorable or otherwise, according to the virulence of the disease, the stage in which treatment was begun, and the length of sentence of the prisoner. The danger of contagion with so many syphilitics congregated together was great, and complete isolation in many cases, was an absolute necessity. If committed for less than two years, they had to be set at liberty before the disease could be brought fully under control, perhaps to become again a source of pollution.

The condition called alcoholism, so often seen in our penal institutions, is one of general depression, following long continued stimulation by intoxicating liquors, with lack of proper food. It is manifested by trembling of the hands and tongue, twitching of the facial muscles, profuse perspirations, an unsteady gait, and incoherence of thought and expression. One woman out of every eleven admitted to the prison was taken into the hospital in this condition. Under a nutritious diet, and rest in bed, these patients soon recovered sufficiently to go to work, but many returned to the hospital later on, with some other ailment, most often dyspepsia or rheumatism, — those strong allies of intemperance. Some of the cases of delirium tremens were exceedingly violent, but no deaths occurred. Dyspepsia and constipation of the bowels, were the two affections of the digestive tract, most common among the prisoners, often taxing the skill and patience of the physician more than many severer maladies. Most of the cases of rheumatism were of a chronic character. The small number of cases of pulmonary disease, leads us to conclude that affections of the respiratory organs are not a necessary accompaniment of prison life; proper food and clothing, good ventilation, and a fair amount of sunlight, being here, as everywhere, their best preventives. There have been sixty-eight births at the prison; of this number, but one parturient woman died, although many were so diseased that their infants died before or shortly after birth. Diseases of the reproductive organs, though common, were not disproportionate to the number of women committed. Among the surgical cases, indolent ulcers, mainly of the leg, were of frequent occurrence, often detaining women in the hospital for weeks who otherwise were able to work. Some of the cases of rectal disease were of long standing and exceedingly severe in character; while others were so simple as not to need admission to the hospital during treatment.

An examination of the foregoing cases leads us to the following conclusions: 1, Intemperance and unchastity are the two vices which fill our penal institutions with women. 2, The influence of these vices is detrimental to health of body, increasing its susceptibility to disease, and lessening its recuperative power. 3, The diseases which follow as a direct result of these vices, are syphilis, alcoholism, dyspepsia, rheumatism and general anæmia. 4, Morbid conditions of body react upon the moral nature, increasing and perpetuating the tendency to criminality; hence the importance of

careful medical supervision, as a reformatory measure. 5, More ample provision should be made in all large cities for the isolation and thorough treatment of venereal patients of both sexes, either by the addition of special wards to the general hospitals, or by the establishment of hospitals exclusively for this class. 6, The women who commit high crimes only, that is, larceny, burglary, arson, manslaughter, etc., possess a more sensitive nervous organization, than those who commit offences against chastity and public order.

DEBATE ON DR. MOSHER'S PAPER.

After the reading of this paper Mrs. Leonard, of Springfield, opened the debate on it, by speaking of the general characteristics of criminal women, and what is done for their moral reformation at Sherborn; touching also on the Lancaster Industrial School for Girls, and what it accomplishes for younger persons of the same class. She spoke of the ghastly picture of disease, often incurable and contagious, portrayed in this statistical account of Dr. Mosher. Connecting this with the other papers, and the discussion of the effect of intemperance, and the difficulty of restraining drunkards from indulgence in their vice, with all the terrible consequences of crime and misery to others, Mrs. Leonard spoke of the need of permanent restraint for habitually dissolute persons. She also said that children of twelve years old, or less, are often as difficult to reclaim as old offenders; and, that the only remedy for such evils was to arouse a greater interest among Christian people in the ignorant and vicious, so that, by persevering labor, and love to humanity, evil may be overcome by good, and the prevention, which is better than cure, be used while there is time.

Mr. Sanborn said that Dr. Mosher had formerly been the Physician of the Sherborn Prison, but for two years had been the Superintendent, — the whole establishment being governed by women, and being also one of the best managed prisons he had ever seen.

NOTE.—Dr. Mosher is indebted to Dr. Lucy M. Hall, Resident Physician at the Reformatory Prison, for valuable assistance in collecting statistics, etc. For the Table of Statistics see Appendix.

On page 47, first line, insert the word "rife" after "influences;" in the account of the "second class," instead of "a majority" read, "a larger proportion than in either of the other two classes were natives," etc.

VI. THE MANAGEMENT OF CHRONIC INEBRIATES AND INSANE DRUNKARDS.

BY ALBERT N. BLODGETT, M.D., OF BOSTON.

In approaching a question of such magnitude as the present one, certain facts which have been proved by the experience of the past must be touched upon as a fundamental necessity to any intelligent discussion of the subject. Among these are the following:

It is a recognized fact that the peoples of to-day are different in many respects from their native ancestors, or from the peoples of those countries from which they may have emigrated. These gradual changes have long been observed, but in later years they have progressed with accelerated rapidity. This result is not confined to one language or continent, but is distributed in varying degrees of development throughout the whole civilized world. The changed condition is noticeable in many ways, principally, however, in features relating to the nervous system,—that is, in those departments of the human organization controlled or specially influenced by the great central ganglia, the brain and spinal cord.

The most prominent evidences of such a change consist in an increased excitability, an abnormal activity of all the cerebral and nervous functions, a restlessness and nervousness, a precocity which is not the healthy development of normal powers, but is a strained and overwrought activity resulting from unnatural and disordered excitability. This condition, if developed suddenly in any individual, is considered indisputable evidence of disease, and is quite as properly reckoned a diseased action when its march is slow and insidious, so that its progress is unnoticed by the individual affected.

The expression of increased nervous excitability is observed in nearly all the ordinary walks of life and in all conditions of people. Within the memory of most of those present there have been changes within the limit of personal observation to verify the truth of this assertion. The ground was well covered by the remark of a gentleman with whom I was recently conversing, who said, "I would prefer to live seventy years in thirty rather than to consume seventy years in living thirty."

The causes of the generally elevated tension in which we live are manifold, and reach into almost every avenue of life. They invade the most humble home and intrude into the drawing-

rooms of our modern palaces. It is impossible to enumerate all, or nearly all, the influences which have united to produce such a baneful effect upon our population; but a few of the more potent causes may be briefly touched upon.

Among these may be mentioned, as one now acting most powerfully in this country, the modern science of *politics*, by which I would not be understood as alluding to the science of true statesmanship, but the petty, miserable abortion of statesmanship,—which is now everywhere disseminated throughout the land,—in which personal ambition usurps the place of principle, and private advantage controls those acts which should be directed to the public good.

The abolition of *principle*, which is to the mind what the polestar is to the mariner, is one of the most fatal accidents which can befall any individual. Its absence leaves the mind without a proper degree of rectitude, without that necessary steadfastness of purpose and consistency of method which are essential to healthy and vigorous mental activity. Weakness and debility of the mental functions must as surely follow its loss as physical infirmity succeeds the loss of any material condition of animal life.

The cumulative result of this defect is continually augmenting, like that of the opium habit or any other profound and growing influence operating upon the foundations of being in the individual.

The recent great mania for speculation, which has swept like a cyclone over this country, has been another powerful agent in disturbing the mental equilibrium of very many people in the past few years. The insatiable desire for wealth, the excitement attending the fluctuations of values, the anxiety regarding the favorite investment, the giddy exhilaration produced by sudden riches, and the despair at the shipwreck of the labors of a lifetime, all exert a most powerful influence in unsettling the mental balance of many individuals, thus exposing them more easily to the effects of accidental influences, by which their debilitated mental and moral natures may now become more or less profoundly disturbed.

The rapid dissemination of intelligence from one part of the world to another, thus bringing the events of distant locations to our earnest attention, with the added elements of exaggeration and sentiment, with almost the same force as those affecting our personal relations, must act as a constant excitant or spur to the emotional and sympathetic parts of human nature, and operate to

strain these qualities of the mind to an unusual and harmful degree. In fact, one of the most dangerous forms of mental disease at this time is the so-called "emotional insanity," produced, or at least developed and perpetuated, by great and prolonged excitement of these mental faculties. The "inspiration theory," with its frequent deeds of horror, comes under this class of mental disease, of which we have had several most piteous examples.

Another potent factor in the increased mental vulnerability of our recent population is the change in the private and domestic life of the people. There is an increased tendency toward aggregation in large communities, and all large cities are overcrowded. The natural result is that much of the home life, if indeed not all, with its quiet restraint and peaceful influences, is lost upon those natures which most need them. The young of both sexes are thus thrown into the whirlpool of modern town life, and deprived of the most necessary means of protection from its contamination.

Is it to be wondered at if irretrievable damage is done the mental and moral natures of inexperienced or susceptible individuals, which, like a slight deviation from a straight line, become further and further removed from the proper course?

When we add to all these the harmful practices associated with club life, now unfortunately becoming so popular among all classes, which pander to all the foregoing evils but counteract none of them; and supplement all these with late hours and their associated dissipations, the lack of friendly advice, the perils of gaming and the other social dangers; we surely have ample cause for the weakened and debilitated moral sense, and the overstrained and excited emotional nature of a large and increasing proportion of our young and middle-aged people.

If, now, these unfortunate individuals become the slaves to passion or appetite, in any specific form, their bondage will be more oppressive from the lack of a powerful will to resist and a firm principle to guide; and the danger from encroachments of other vices will be augmented, owing to diminished power of self-control, due to degeneration or abolition of standard mental qualities.

At this point, one of the prime evils of our present system of living becomes evident, in connection with the facts mentioned a moment ago. Human nature cannot indefinitely support the

increased strain to which a continually enlarging number of individuals are exposed. *Natural food and natural rest will not provide for unnatural and superhuman exertion.* There is a limit to all healthy energy. Beyond this limit, labor is accomplished only at the expense of vitality. In this extremity, which is exactly the condition in which a large number of our people find themselves, the use of artificial stimulants is necessary, in order to follow an irrational and insane ambition. The constant mental toil, the unceasing anxiety, the sleepless nights and overburdened days, gradually produce a degree of exhaustion, in which the individual is forced to one of two measures,—either to relax the strain under which the system is laboring, or to endeavor to support the failing energies by the use of some form of artificial stimulus. There is little need to add that the latter is the measure usually adopted at the present time. . . . There is a sensation of exhaustion which imperatively demands the aid of a stimulant, and is temporarily relieved by its employment. The individual is led to think that the remedy has been found, and continues the use of an agent which has afforded such marked benefit.

It is easy to conceive that any article which thus becomes necessary to the performance of daily labor may gradually acquire such power over the individual that the force of habit, combined with the physiological action of the substance, may at length render all efforts at its abandonment entirely futile.

The cumulative effect of prolonged over-stimulation is two-fold: first, the action upon the nervous system, as a spur by which an extra amount of energy may be temporarily evolved, with a gradual encroachment on the normal powers of the organism, until no extra energy *can be awakened* except from the effect of stimulation; and, second, a change in the physiological and organic relations of the structural elements composing the nobler functional organs, with gradual degeneration of the higher mental and moral qualities, so that the foundations of character are undermined and the powers of reason are perverted, while the emotions and sympathies are excited to increased activity; and the unfortunate individual becomes a slave to sudden and irresistible impulses, the consequences of which may be disastrous to himself or others.

Probably, many unsuspected cases which claim our attention in their care and treatment are the direct result of an attempt to prevent exhaustion of the vital powers by the use of artificial

stimulants. One of the most careful writers of our day says that "cerebral exhaustion, however caused, more often leads to irresistible drink-craving than is generally supposed;" and Dr. Meyers states that "there is no form of nervous exhaustion more severe in its character than that which is induced by the abuse of stimulants."

The organic effect of prolonged over-stimulation upon the brain may be of two varieties: first, to dry up, so to speak, and to a certain extent solidify the tissues, with the symptoms of a greater or lesser deviation from mental soundness, sometimes amounting to mania; often followed, second, by softening of the cerebral structure, accompanied by a gradual blunting of many, if not all, the mental faculties, at times resulting in actual imbecility.

Dr. Sankey, in his lectures, traces the close parallel between the gradual degeneration of brain and degradation of mind in the drunkard and the insane person, and shows that these processes exactly correspond in some cases, and that the cerebral changes are almost identical. . . . It is safe to say that no person can employ alcoholic stimulants for any length of time continuously without impairing the integrity of some, or all, the great organs of life, and vitiating their functions. With this result once induced, the necessity is felt for continued use of the harmful agent; and the weakened mental faculties are powerless to oppose the demands of an abnormal and depraved appetite. Thus, the bad habit is fostered and perpetuated, and the *chronic inebriate* stands before us. The uncontrollable appetite, the diminished mental vigor, the complete subjection to the obnoxious substance, are the essential factors which constitute the chronic toper, whose progress is now invariably from bad to worse. Dr. Bucknill considers this condition to be a form of emotional or moral insanity. He says, "The prominent nature of this propensity is its *irresistibility*."

The second class which claims our attention at this time is that other element of society, which is subject to alcoholic influence, and which presents a series of phenomena utterly different from those we have previously considered. These unfortunate persons are generally (so far as my observation has enabled me to judge) those who are originally in some way constitutionally defective, or are, to a greater or lesser degree perhaps, congenitally "weak-minded," or, in the words of Dr. Fisher, "those who inherit an unstable, nervous constitution from drunken, neurotic, or insane

ancestors." They are oftener found among the more illiterate ranks of society, or, if they belong to an elevated walk in life, they are inferior to their position, and are generally regarded as deficient in some essential qualities. This group of persons does not generally become addicted to the use of alcoholic stimulants from an original necessity for them, but from inherited vicious propensities, pandered morbid appetites, and depraved mental constitution. In them, the results which obtain in the chronic inebriate are less frequently observed, organic changes in the various animal structures are more rare, and the principal deleterious effect is to be noticed in the department of the higher cerebral functions.

The nervous system in these unfortunate individuals seems to be so constituted that the effect of any powerful stimulant is developed at once, and particularly in these structures. A person who has taken but a very moderate amount of a common stimulant may present no outward sign of intoxication: the step may be firm, the face not flushed, the pulse but slightly accelerated; but the mental organization of the individual may be completely overturned. There is often not the violent aspect of mental derangement which accompanies delirium tremens, but a complete suspension of normal cerebration. The general tendency of this state is one of personal exaltation, of unlimited resources, of gigantic enterprise, of assured success in most extraordinary undertakings. Although not generally inclined to be violent, there is complete disregard of the proprieties of the person and property of others, which, coupled with the fact that any effort at restraint is at once resented, is often the occasion of the development of a state of fury in which life is often imperilled and sometimes sacrificed.

In this state of maniacal rage there is no consistent selection of means, nor any consideration of the results which may ensue, but the unrestrained passion of the moment leads the individual to the most violent demonstrations, as the result of interference with the delusions which temporarily possess the mind of the insane drunkard. Dr. Fisher, who has devoted much thought to this subject, says: "Under the influence, partly of an uncontrollable impulse, and partly of intoxication, they will perform truly insane acts. Closer investigation of their mental state will usually disclose the fact that they are liable to periodical recurrences of causeless exultation and bursts of self-confidence on trifling occasions."

A case is now in my mind in which an amount of alcohol, not usually followed by any appreciable result other than a slight exhilaration, is in this patient the cause of uncontrollable rage, during which his room-mate, who is his dearest friend, becomes the object of the most malignant fury, and is in momentary danger of death from any convenient means. This impulse to violence toward others alternates with a powerful inclination to jump from the window, which is the only expression of any suicidal tendency in this patient. Some days are required for the reëstablishment of his disturbed mental equilibrium, though the bodily functions are at no time seriously deranged. The effect of stimulation in this and similar cases seems to be primarily and chiefly exerted upon the nervous system, and is particularly developed in the cerebral lobes, where its action is expressed by disordered mental action as the disturbed function of these organs.

With each repetition of so dangerous an interference with these important structures, the tendency to diseased action is increased, so that the aberration of the intellect is each time more prolonged, and its character, perhaps, changed. The diseased condition may be produced by a lesser amount of the stimulant, and the impression upon the whole organism may become more pronounced, until at length reason may be permanently impaired, and the patient become the object of continuous apprehension or perpetual restraint, as a protection to himself or his surroundings, or both.

Dr. Blandford regards persons of inherited or acquired weak mental constitution, who are impelled to periodical drinking, by which indulgence the mental impairment is increased and perpetuated, as *insane*, thus expressing exactly the condition which we have endeavored to describe.

From the foregoing, it becomes at once evident that the victim of drink may become a charge to society in either of the ways described. As such, he should not be regarded in the light of a voluntary offender or a hardened criminal, but as a sick and diseased individual, who is in need of humane and considerate treatment, and who is perhaps susceptible to recovery from his disordered condition, and to restoration and cure of his infirmity. The cause of his present condition, whether intemperate indulgence of vicious propensities, or any other reason, is not now a subject for consideration. The *mental and physical requirements of the patient* are to be chiefly regarded. Dr. Bodington, at a recent

meeting of the British Medical Association, says, "For my part, I look upon all habitual drunkenness as a disease, and I would boldly call it dipsomania." And the American Association for the cure of inebriates, takes the broad ground that "intemperance is a disease."

Here, our greatest need in the proper care of these unfortunates becomes strikingly manifest. We have continuously in our midst a class of patients of deficient will-power, or nervous force, or principle, as we may choose to call it, who become the subjects of public care, and are daily becoming such in increasing numbers.

Their existence as a class has been recognized, and their needs partially expressed. But I believe I am right when I say that in all our broad land there is not an institution or an establishment properly adapted to their reception for remedial or curative treatment, or for their care, if incurable. I have yet to learn of the resort so arranged as to be applicable to their needs, or so conducted as to be of practical service to this element in our society, which the public must care for.

From the nature of things, it is generally among the poorer people that these patients are met with, and therefore, among those least able to properly care for them, and least likely to appreciate the fact that they are really sick, and deserving treatment rationally addressed to their condition.

The fact that they are frequently, and, indeed, generally brought to our notice through the commission of some act which calls for the intervention of the civil law, should not blind our eyes to the equally evident fact that accountability and moral responsibility may be more or less deficient or entirely wanting in the subject of the misdemeanor, and that he is inversely in just this degree incapable of the commission of a crime or amenable to its penalties.

The only provision which has thus far been made for the treatment of these unfortunate creatures is of two varieties: first, those conducted by private enterprise as a means of accumulating money, or from charitable motives, and those controlled by the State or municipal government.

The first of these is defective in many ways. There is, as a prime objection, the fact that in these resorts, the patient is a *boarder*, and as such is retained only so long as the means for keeping him there can be provided; and, upon the absence of the pecuniary element, he is dismissed without regard to his physical

condition. While in these retreats he is only a voluntary inmate, he is not constrained to remain until his condition is relieved, but often, and perhaps always, the restraint proves so irksome that the patient leaves the institution before he is in fit condition to do so, and consequently derives little or no benefit from his residence in it.

Dr. Fisher says, "If able to pay and willing to go, such a patient might be kept for a short time in the Washingtonian Home, or some similar establishment on the voluntary plan. But this kind of temporary detention only restores and strengthens the confirmed inebriate for renewed indulgence. . . . The disease has a deep root in the nervous constitution of the individual, which cannot be eradicated in this way." These institutions are also often administered upon certain dogmatic religious or hygienic ideas, which may essentially impair their usefulness as curative asylums.

The only institutions recognized by the State or municipal government for the reception of this class of patients are of two kinds: first, the various prison institutions for the confinement of felons, thieves, murderers, etc., into whose companionship the mentally and physically weakened victim of alcohol is introduced (which can objectively and subjectively act only as an aggravation to his infirmity), and from whose walls he emerges cursed with the moral stigma of its indelible associations.

The second and only other resort to which a patient may be referred by judicial authority is the mad-house, with all its horrors, of which words can often convey no adequate conception. I quote again the words of Dr. T. W. Fisher, when speaking of Massachusetts: "There is no provision anywhere for the treatment of delirium tremens but in the almshouse at Deer Island or Tewksbury. Cases of mania from drink, if likely to prove of short duration, are sent to the former place for observation, subsequently to be transferred to an asylum, if the insane condition seems to warrant it." To the lunatic asylum, the insane drunkard may be committed with the same degree of rigor as to the prison; and too often his case is fully as much a matter of routine in one place as in the other. The over-crowded condition of our public insane asylums, the lack of careful discrimination which I fear often prevails, with absolutely inadequate facilities or official staff for the humane and kindly treatment of so many sufferers, effectually prevents this resort from being of service to our subjects.

The confinement with maniacs, the constant association by day and by night with those in whom the power of reason is perverted, and whose every act and word is the expression of a diseased mind, is a cruelty and an inhumanity toward the weak and the helpless. We have, and shall continue to have among us, a certain definite class of invalids, who are, and will continue to be, a burden to the public, and must be cared for at the public expense. It is certainly no proper argument that, because they must be supported at the public charge, they may as well be maintained in prisons and asylums as anywhere else. We must not forget that we owe to these unfortunates a degree of humanity in their treatment which should endeavor not only to relieve their present distress, but to restore them, if possible, to the full exercise of their previous faculties. That is to say, the treatment of these individuals should have, for its ultimate object, *the cure of the disease.* This beneficent result is surely not to be attained by incarceration in a prison with the most hardened and desperate characters of our heterogeneous communities, nor is it to be hoped for behind the bolts and bars of our great and crowded insane asylums. Dr. Fisher expresses the same idea in these words: "Insane drunkards would be undesirable inmates of our insane hospitals, if there was no difficulty in retaining them. They need little medical treatment, but require prolonged restraint, varied employments, and moral discipline. The private retreats for inebriates and insane drunkards are, so far as my experience goes, quite powerless to accomplish any result, further than is in harmony with the will of the patient, and are on the whole of doubtful benefit for this class of cases."

As an instance of the working of two of the above-mentioned institutions, I would cite the following cases, which occurred within my own personal knowledge. A gentleman, who had long been a hotel proprietor, met with sudden reverses and suffered considerable pecuniary loss. Always of active temperament and usually of sober habits, his present mental distress was very acute, and he became addicted to drink. I have never seen this man in the least degree affected in speech, gait, or other physical manner, nor to a casual observer would he excite attention as being intoxicated. Yet, in this state, he is a dangerous man, and his family have often suffered violence at his hands; and with each succeeding debauch there is a decided change in his mental condition, which is gradually approaching a state of homicidal mania.

On more than one occasion this patient has been placed in a private institution for inebriates, which has a very imposing name and a wide-spread fame, in the hope that he might be reformed, and again become a useful member of society. Each time, however, after a residence of a few days in the institution, this patient has called for his clothes, and has left the retreat to again indulge his diseased propensities.

For such subjects as can be influenced by purely moral persuasion, these institutions may be of service, as those patients do not require restraint; but, for the uncontrollable manifestations which accompany the action of alcohol upon many persons, such resorts are total failures. They have not the judicial authority to aid their work; they are powerless to restrain the turbulent subject, and are quite useless as a means of reformation or cure in any excepting mild cases.

An example of the opposite form of treatment also recently occurred within my observation. The patient was brought before the court, and was adjudged an insane drunkard, and as such was judicially committed to one of the State Insane Asylums. After a time he was released on a motion from the court, and thus describes his experience while under treatment: "The doors were barred, and kept continually locked. There was no privacy, hardly the opportunity for the exercise of decency in personal toilet. Even during the day, the forced restraint was distressing, but at night it became much more so. The shouts and yells of excited patients in neighboring wards were painfully audible, and disturbed sleep. The other occupants of this room were one patient who was constantly endeavoring to take his own life, one who feared that some one was seeking to kill him, one who was confined on account of homicidal tendencies, and one who was constantly striving to kill the others. The ward went by the cheerful name of the 'suicides' room.'" The patient remarked that, "even if a person were sane, on being confined here he might easily become insane from such surroundings,"—an opinion in which I am inclined to concur.

Another disadvantage attending the present management of insane drunkards is the uncertain length of time during which the patient is retained for treatment. Upon this point, I cannot do better than quote from the valuable monograph of Dr. Fisher, who says: "Great as is the task of getting an insane drunkard com-

mitted to an insane hospital, the difficulty of *keeping* him is still greater. This arises from the transient character of the prominent symptoms, which are only brought out under the paralyzing influence of alcohol. As one writer has said, the dipsomaniac is only sane while in the hospital. Although in his extremity, under arrest for disturbance of the peace, and perhaps suffering mentally and physically from the immediate effects of drink, he acquiesces in his commitment, in a surprisingly short time he is on his feet, under perfect control, looking around for a lawyer to help him swear that his confused recollection of the circumstances of his commitment is the true version. *No hospital can hold him a moment against his legal protest*, and he is discharged as a matter of course."

In view of the existing facts in relation to the management of chronic inebriates and insane drunkards, I think we are safe in asserting that no wise, humane, and practical plan has yet been inaugurated for this object, which shall insure the protection of society at large, and work no injustice to the individual. It is comparatively easy to see the defects of existing methods, but it is by no means easy to suggest a remedy. We may, however, perhaps, learn something concerning the direction in which our efforts may be most profitably exerted, with the hope that in the fulness of time the desired result may be obtained.

What conditions, then, would be most favorable for the restoration or cure of an individual wrecked by drink and a burden to society? This is the question which in one form or another must really underlie any earnest and sincere endeavor for the practical relief of this unfortunate class of people. . . . For its solution upon any plan, one thing must evidently be premised as an essential condition, which is *that there shall be a suitable disposition of authority which shall place these people within the control of some restraining force.* Without this indispensable provision, no effort for their benefit can be successful. With such power, guarded by wise restrictions, it might be possible so to influence the life of the drunkard that his diseased tendencies and abnormal inclinations might be eradicated, and mental and physical health be restored to him.

If we consider what elements of treatment would most conduce to recovery from the state in which we find these patients, we shall not fail to recognize the great importance of two conditions,

namely: a judicious amount of physical toil, which will induce a certain degree of bodily fatigue, with a consequent inclination to natural repose; and a life, as much as possible in the open air, a diet composed of strong, nutritious food, but of plain, non-stimulating character, regularity of habits, and provision for abundance of undisturbed sleep.

By the present methods of dealing with the two classes of patients of which we are speaking, neither of these essential conditions is secured. The associations which now accompany their treatment are of the most unfortunate character, and cannot but be detrimental to the well-being of any person exposed to their influence. A mind congenitally defective, or unsettled by overwork or over-stimulation, or a character depraved by the long-continued indulgence of vicious tendencies and pernicious appetites, will certainly not be benefited by the companionship of those with whom one is necessarily brought into contact in a prison or a madhouse. The treatment to which these patients are at present subjected, cannot be properly called curative. It cannot possibly operate to relieve them to any such degree as it might do, if these features could be eliminated.

How this may best be accomplished, and how those persons addicted to the habitual use of intoxicants, and those rendered insane by the same means, may be most advantageously treated, both for their own good, and for the good of society, I regard as among the most serious problems of our day. I doubt if our people are ready at this time to seriously consider it with that degree of candor and disinterestedness which the subject demands; nor will they do so, until a purer and more healthy spirit pervades our governing power, and a more rationally humane and truly charitable disposition is evinced by the people.

The suggestions which I have to make may not be the wisest or most desirable; but they are the best I can advance at this time, and are presented, not as a basis for any present action, but for the sake of eliciting discussion and inviting more practicable suggestions from the members of this distinguished society.

The fact must be constantly borne in mind that these individuals, whatever their former condition or ability, generally degenerate physically, morally, and financially, until they become dependent upon private charity, or require the official care of the State or municipality. Now, if the public can assume control of these

unprofitable members of its body and institute a judicious treatment of their infirmities,—treatment based upon careful and considerate study of their diseased condition and needs,—these patients will not only be better cared for than they now are, but they will experience the added benefit that the result of such treatment will tend toward their radical cure.

Such a plan would premise that the municipal authority should be in some way enabled to include within its limits those persons, not yet criminals perhaps, but intellectually weak and depraved, and possibly unconscious transgressors against laws they do not comprehend. The protection of society from the violent acts of drunkards, sane and insane, is a matter of vast importance, when we consider the frequency of such occurrences. The public is shocked at each new victim of insane violence, and shudders at the unending procession of suicides, but is strangely insensitive to the existence of *potential* homicides and suicides, who meet us at every turn. If these people could be properly cared for, their indulgence in intoxicants restrained, good and sufficient food be given them instead, and they be made to employ their bodily powers in some muscular activity, graduated to suit the requirements of each individual case, with enforced regularity in regard to repose, I am sure that a short time would be amply sufficient to turn the tide in many cases from disease to health, and from the progressive degradation of the insane drunkard to the light and liberty of a free, sane, and competent man.

How this desirable result may be best achieved in America at this time, under our present system, or rather lack of system, I am not prepared to say. One thing, I think, is true beyond question. None of the so-called "Inebriates' Homes," "retreats," or asylums, as at present conducted, have proved to be of much service in the real treatment of habitual drunkards, and particularly of insane drunkards. It is not in their nature to accomplish this result, as they are entirely without authority to exercise judicious and needed restraint in those cases in which it is absolutely required. They are essentially little more than temperance boarding houses, where inebriates can remain by paying a certain sum of money and conforming to the regulations of the institution. Probably, the majority of those patients who are benefited by a residence in these establishments would be quite as well able to reform under favorable conditions without residence in any asylum.

But it is not this class of cases alone which we are called upon to consider. It is also the poor and the helpless, whose circumstances do not allow them to enjoy the luxury of prolonged abode in these retreats, and who have not the moral strength to forsake their vicious habits,—these also require attention and care. For their treatment, the exercise of judicial restraint is absolutely necessary. They must be *assisted* to overcome a diseased tendency, for the control of which they do not possess the necessary strength. Here is where all present institutions are found wanting. The inmate cannot be legally detained within their care one hour beyond his own desire. He can thus at any time defeat all such efforts for his reformation. Dr. Fisher remarks that "an insane drunkard with homicidal propensities is more independent of legal restraint than any other person in the community."

The manner in which a legal supervision is to be exercised, so as to secure the humane and curative treatment of the mental and physical condition in the various classes of drunkards in our midst, it is not the province of this paper to discuss. If the views herein advocated receive the approbation of this society, some plan for their practical application will not long be lacking. A few hints from practical experience may, however, not be without interest in this direction. Some years ago, while making a foot tour through a portion of Germany, I passed through a section of country of considerable extent which had been a barren, cheerless waste, but which was in some parts at that time occupied by extensive plantations of regularly set and cultivated spruce or other evergreen trees in varying stages of growth. Upon making inquiries, I was told that, in several neighboring municipalities, the penalty for the less serious violations of law was transportation to this wild region, and a forced detention there until a certain number of trees had been properly planted or other forestry labor performed, when the offender was at liberty to return to his former home. I was told that drunkenness and its minor accompaniments were among the more frequent causes of this temporary banishment and enforced labor.

I was forcibly struck at the time by the much better circumstances for the moral and physical reconstruction of the subjects of alcohol there than in our own country, where they are often confined in hot, overcrowded, unwholesome rooms, at unhealthy occupations, in company with those much worse than they are, who must exert a harmful influence upon them.

In another part of Europe, I was told that the greater part of the prepared stone for the building and repairing of the magnificent post-roads in that part of the country is the result of labor sentences as the penalty for minor transgressions against the civil law. Certainly, no one can doubt that occupation in the open air, of purely muscular character, and not so laborious as to occasion too great a degree of fatigue, with proper restraint and supervision, would be the very best means for counteracting the effects of over-stimulation in our inebriate population.

We have in all large cities, certain commissions or departments of the municipal service which are so limited and circumscribed as to make it possible to exercise complete supervision. Such is the care of the city stables, in which one overseer could easily observe the movements of a number of employés. The paving and sewer departments usually control large enclosed areas, in which considerable numbers of men might be employed. The care of the public parks, and the labor in landscape gardening, now so commonly seen in every town of even moderate pretensions, might be performed by these wards of the public, who would thus accomplish two important ends: 1. Their own improvement and final recovery in a much larger proportion of cases than under our present treatment of drunkards. 2. They would, as a class, become self-supporting, instead of becoming and remaining the subjects of public maintenance. In many other ways, which will readily suggest themselves to any thinking person, these individuals might be employed, and carefully guarded from temptation until nature might effect a cure, and so reclaim her own.

Some may consider these suggestions as too visionary and too ideal ever to become a reality. They may not be practicable at this time; but they certainly are possibilities, as has been demonstrated by the experience of the Lintorf Asylums for Inebriates, near Düsseldorf, in Prussia. Here, a system similar in its general character to the one I have outlined has been in operation, if I am not mistaken, since 1851, and is productive of very gratifying results. The life of the inmates is carefully regulated, and strict compliance with the rules of the establishment is required. A large majority of the inmates remain for a period longer than six months, and are treated by means of good food, medical care, labor, kindness, and sympathy, recognizing in inebriety a disease

more than a vice, and treating it as such. The reports state the proportion of cures to have been from twenty-seven per cent. to thirty per cent. of all cases, a figure far beyond anything yet approached in our country.

The objection may be raised to the views advanced in this paper that they are inexpedient, or, in other words, that the man or woman who is degraded to such a degree as to indulge in intoxicating drinks has thereby merited the full measure of disgrace and suffering accompanying the punishment for their acts while drunk, or their treatment if sick. In reply to such objection, it can only be said that, in a former age, the same spirit was evinced by the world toward many other physical and mental disorders with which frail humanity is afflicted; but I think the time is fully come when any such unjust and unsubstantial reasoning should be superseded by a mode of treatment more nearly in accordance with the advanced knowledge of a more enlightened century. And, in addition to this is the important fact that, in the majority of cases, the individual afflicted is really no more responsible for his condition than is the victim of syphilis, the slave of opium, the subject of epilepsy or intermittent fever, or many other misfortunes which might be mentioned.

It would certainly now be regarded as inhuman to allow patients with leprosy to die uncared for in the fields, and it is no longer considered necessary to burn inoffensive lunatics. It is fully as great a cruelty to confine persons, really the subjects of mental disease, in the same place with the vile and desperate element which one finds in our crowded prisons and houses of correction. It is inhumanity beyond expression to subject the insane drunkard, perhaps only temporarily diseased and quite susceptible of cure, to daily and nightly companionship and uninterrupted association with furious maniacs, epileptics, suicides, maudlin babblers, and imbeciles. Experience demonstrates that the fatal influence of only occasional exposure to such diseased surroundings often shows itself in mental derangement of those who have been connected with the care of the insane; and I am informed that a surprising number of the physicians and nurses connected with our asylums and other institutions of a similar character, either become subjects for their protection and care, on account of positive mental derangement, or are maintained by their friends in domestic seclusion rather than in a public institution. Thus,

mental disorder sometimes seems to be acquired by the healthy individual from occasional contact with the subjects of disease; and, if this be true, how much more liable to the same danger an individual must be, whose nervous system is already temporarily shattered by over-stimulation, whose intellectual powers are already unsteady, if not positively deranged, and who requires treatment for weeks or months suited to the necessities of his condition, among the more essential elements of which are freedom from excitement, rest and peace of mind. I think the wonder is that insane drunkards who are placed in asylums under the present system ever escape permanent mental impairment from their unfavorable surroundings.

The practicability of this, or any similar plan of treatment, will always depend upon two principal factors: first, the ability of the public to realize that it is as easy to support an insane drunkard in some asylum arranged for his particular care, as it is to support him in an institution designed for the legitimate needs of another and a different portion of the public burden; in which the indispensable conditions for his appropriate treatment and care do not and cannot exist, and from the restraints of which he can at present always effect a legal escape at a time when he is in immediate danger of a relapse upon any exposure, with a certainty of rendering each subsequent period of treatment less hopeful than before. One such case, the record of which is preserved by a friend and colleague, has been committed to the house of correction four times, and has been an inmate of the lunatic hospital *seventeen* separate times, from the recurrence of a diseased condition, which, by appropriate treatment, might perhaps have been easily and permanently cured in its earlier stages, instead of becoming a chronic state, which is truly a "second nature," and often justifies the remark that "the insane drunkard is only sane while in the hospital."

Second. The other factor which must be present to render this or any other similar method of treatment possible is that alluded to a moment ago,—a dispensation of authority in such a manner that this large and increasing class of our community may be reached by its provisions, and benefited by its practical application.

It may be claimed that the views here advanced are concerned not with the cause of drunkenness, but only with its effects, and

that any attempt to benefit drunkards should be directed to the prevention of the evil, rather than to its cure when the evil is already wrought. This criticism is very true, but it must not be forgotten that the subject of the prevention of drunkenness is still one of the purely speculative questions of the day, in the solution of which absolutely no essential advance has been made, notwithstanding the fact that the ingenuity of a generation of philanthropy has been devoted to its study; but the products of the evil are continually around us, and are constantly demanding some practical relief at our hands.

DEBATE ON DR. BLODGETT'S PAPER.

The reading of the Paper was followed by a long debate, only the briefest abstract of which can here be given.

Prof. WAYLAND said if the statistics of the number of drunkards between the ages of fifteen and eighteen could be secured, the result would be alarming. A police justice of New Haven had told him he had an average of one such minor drunkard before him weekly. The Professor thought that a confirmed drunkard forfeits the right to go at large. Places should be provided where confirmed drunkards can be kept confined until they are cured, even if they are kept there for life. If a drunkard is beyond the period of special treatment, he forfeits his right to be at large. Without entering on the shoreless sea of discussion as to prohibition, and recognizing the fact that prohibition is of the future, it seems our duty to ask, What are we to do in the mean time with the inebriates now existing?

Judge C. A. PEABODY, of New York, contended that the present treatment of confirmed drunkards is imperfect. There are times when a drunkard must be physically confined, but moral treatment must also be used. He said the progress made in the treatment of the chronic insane, from the time when they were kept chained in cells to the present time, is no greater than progress required to be made in the treatment of inebriates.

Rev. Dr. PRIME, of the *N. Y. Observer*, being called out by the President, said:

I protest against the doctrine that intemperance is a disease. It begets disease, many diseases; but it is a crime. Crime is an injury to God and man; and this is intemperance. Now, is the State, which by its laws encourages intoxication, is the State first to make drunkards and then to support them? Rather *prohibit* the spread of intoxication, as you prohibit the spread of small-pox.

Mrs. LEONARD, in addition to what is reported on a previous page, said:

There are certain persons who require restraint; there are others with whom physical punishment would avail nothing. There are some persons who ought never to be released. When visiting the Women's Reformatory Prison, two years ago, I was told that a woman, whose time was expiring, was afraid that I should see her and recognize her. They said that she was unfit to go out; but they could not detain her. I looked up her history, and recognized her under one of her many aliases. She went out, and I heard of her in various cities, always engaged in some scheme of fraud. She ought not to have been released; but we have no law for restraining persons who are incapable of self-restraint.

The great gospel of love is stronger than force. All who are weak and ignorant and vicious, demand the help of all who are strong and wise and good. The great obstacle we have to overcome is not the wickedness of the degraded, but the apathy of the better class. The only way for the world to grow wise and good is for each one to do his part.

The Paper of Dr. Mosher was accompanied by a Table which could not be inserted at the end of her Paper, but will be found on the next page. On page 73 will be found a full report of Mr. Parker's remarks which was received too late to be inserted in its proper place.

TABLE OF DISEASE AND CRIME AMONG WOMEN.

(See Pages 46–51.)

Diseases treated in Hospital of Mass. Ref. Prison. 1877–1881.	Class I. Offences against Person & Property. Commitments, 310.								Class II. Offences against Chastity. Comt's 515			Class III. Offences against Public Order. Commitments, 1271.							Total Commitments, 2196.
Medical Cases.	Assault and Battery.	Fraud.	Arson.	Larceny.	Burglary.	Manslaughter.	Abortion.	Total.	Common Nightwalker.	Adultery.	Lewdness.	Total.	Common Beggar.	Railer and Brawler.	Common Drunkard	Disturber of Peace.	Idle and Disorderly.	Keeper house of ill-fame	Stubborn Child.	Total.	Total number of cases treated in Hospital.
Alcoholism	1	1	2	7				11	15		1	16	9	1	132		29			171	198
Anæmia	3	1		18	2	1	1	26	13	1	6	20	9	1	12					22	68
Apoplexy									1			1			1					1	2
Bronchitis	1		1	4		1		7	9	1		10	2		8		2			12	29
Constipation	1			4				5	4	1	1	6	4		5	1	4			14	25
Delirium Tremens				1				1	2			2	1		14		7			22	25
Diarrhœa	1			5		1	1	8	3			3	1		6		5			12	23
Diabetes Mellitus				3				3												2	5
Dyspepsia	1	1		10				12	9		3	12	12		16		9		2	39	63
Dysentery				1				1	1			1	1							2	4
Eye Disease				3				3	8		3	11	2		11		7			20	34
Epilepsy				1				1	1	1		2	3		8		1			12	15
Erysipelas		1		3	1		1	5	5		2	7	3		2		4			9	21
Gangrene of Lungs															1					1	1
Gonorrhœa				1				1	3		2	5	1	1	6		1			9	15
Hæmoptysis				1	1			2	3		2	5	3		2		2			7	14
Heart Disease				3				3	2	1	1	4			10		3			13	20
Hysteria	1			7		1		9	8	1	2	11	4		8					12	32
Insanity	1			2				3	6		1	7	8		12					20	30
Liver Disease													4						1	5	5
Lipoma				1				1							1					1	2
Malaria									3			3			3		1			4	7
Masturbation				1				1	7		1	8	4		1		1			6	15
Menorrhagia	1			1				2	1		2	3	1		7		1			9	14
Miscarriage									6	1	3	10			8		4			12	22
Neuralgia				9				9	4	1	3	8	2		11		10			23	42
Opium Habit				2				2	1	1		2	2		4		1			7	11
Ozæna				2				2	1			1			1					1	4
Paralysis				4				4			1	1	1		2		1			4	9
Pleurisy				1				1	1		2	3			1		3			4	8
Puerperal Fever				1				1	2	1	2	5			1		3			4	10
Peritonitis				2				2							2	1				3	5
Pharyngitis		2		7				9	6		1	7	3		10		9			22	38
Skin Disease				3				3	2			2	3		8		2			13	18
Phthisis Pulmonalis				5				5	6	1	2	9	2		3		9			14	28
Pneumonia				1				1	1			1			2					2	4
Rheumatism				11				11	12	2	1	15	3		28		8	4		37	63
Syphilis	3	1		27				32	79	3	18	100	20		67		78	1	1	173	305
Tonsilitis	3	2	3	18	1	2		29	25	3	8	36	18		29		24	1	2	74	139
Uterine Disease	2		1	11				14	13	4	4	21	3		22		11	1		37	72
Surgical Cases.																					
Abscess				5				5	6	1	7	14	2		12		12		1	27	46
Adenitis				3				3	9		2	11	3		3		1			7	21
Chancroids				3				3	1			1	1		4		1		1	7	11
Epithelioma									1			1			4					4	5
Fistula in ano				2				2	3			3			5		3			8	13
Fissura " "				1				1	2			2			2		3			5	8
Fractures				1				1	1		1	2			1					1	4
Hernia									1			1			2					2	3
Hæmorrhoids	2							2	4			4	1		9		3		1	14	20
Rup. Perineum			1	3				4	2		4	6			2					2	12
Stricture of Rectum									1			1			1					1	2
Ulcers	2			6				8	13	1	3	17	8	5	23		24	1		61	86
Vegetations				2				2					2		5		5			13	15
Wounds							1	1	2			2	1		4		5			10	13
								264				423								1017	1704

The following remarks are an extension and correction of the brief report of Mr. Parker's views, on page 29.

REMARKS OF MR. PARKER ON BOARDS OF HEALTH.

Mr. Le Roy Parker, President of the Michigan State Board of Health, said the plan advocated in Dr. Baker's paper,—of a State Board of Health whose duties should be advisory rather than administrative,—the administration of the public health laws being left entirely to local municipal Boards—has met with much success in Michigan. By the laws of that State, every city, village and township has an organized Board of Health, always ready to act when any outbreak of dangerous disease occurs. Every physician and every householder is required under a penalty to send notice forthwith to the health officer of the township or city, of any case of dangerous disease which may occur under their care. The local Boards of Health possess almost unlimited power for the removal of nuisances and causes of sickness, and for the suppression of any dangerous diseases.

The machinery for prompt and efficient work is therefore most complete. There is always a Board of Health organized: it has ample, almost autocratic powers: it is provided with the means of obtaining instant knowledge of any suspicious or alarming disease through the notices sent by physicians and householders. It can, therefore, act promptly. If, however, any responsibility rested on the State Board of Health to take an active part in the suppression of dangerous disease, it would be difficult for it to act with sufficient promptitude to accomplish much good. The members live in different parts of the State, remote from each other. It would seem doubtful if such a Board could successfully perform the administrative duties necessary in cases requiring the prompt personal attention of individual members of a Board of Health.

Michigan has aimed to emphasize the local Boards of Health. They are the bodies with whom the people come most frequently in contact. They are composed of citizens well known in each locality. Their influence is more direct and immediate than that of the State Board could possibly be. The functions of the State Board of Health are to collect statistics of disease and death; to study into the causes of sickness, and to devise means for its prevention; to advise local Boards and the health officers of the results of their investigations, and to indicate the best method of preventing the spread of disease.

This system is the same in principle as that which has been found to work so admirably in the great Northwest in the management of matters pertaining to municipal government—that of delegating directly to the people of each township, city or village, the immediate control of their own local affairs. If the township system of government be the correct one, then it would seem that

a system by which the people of each municipality are invested with the exclusive control, through the local Boards, of matters pertaining to their own health, must be the most successful in its operations. In cases of emergency, however, where an epidemic rages over a considerable portion of a State, it would undoubtedly be best that a State Board should have power to aid the different localities, when the local Boards were unable to cope with the disease by reason of its spread beyond their jurisdiction.

The most perfect system of public health service is that of National, State and local Boards of Health, each working within their proper sphere. The National Board, liberally sustained by the government, whose duty it shall be to make investigations into the cause and source of those diseases which may become prevalent in this country by importation: to regulate by quarantine such importation of disease: to aid the various State Boards in restricting the spread of dangerous diseases from without their borders, when the means and machinery of the State Boards are inadequate for this purpose; and to conduct such investigations into the source and cause of disease in the country as would, by reason of their magnitude, be beyond the power of State or Municipal Boards to carry on. The State Boards of Health, should have the general supervision of the interests of health and life of the citizens of the State. At the base, and, as the foundation of the whole system, should be active local Boards of Health in every municipality, whose duty should be to watch for the first indication of dangerous disease, and to suppress it as soon as discovered; and to enforce those necessary sanitary regulations respecting cleanliness, and the removal of disease-breeding filth, without which public health legislation can effect but little.

The Papers of the Health Department, properly speaking, end here. But the Address of Miss Barton is printed next, as relating to Health as well as to civilization in general.

INTERNATIONAL AND NATIONAL RELIEF IN WAR.

MISS BARTON'S ADDRESS.

(Read by Miss Clara Barton, of Dansville, N. Y., Wednesday, September 6, 1882.)

When the official invitation was given, eight months ago, to prepare this paper, the world slumbered in unwonted peace. That a scientific and philanthropic association, devoted to Social Science, was then busied with thoughts of "International Relief in War," now seems to clothe that Association with the mantle of wise and prophetic foresight. If the official recognition which has since been given had existed at that time, this interest would have been less remarkable, but it is to be remembered that no action had then been taken by the government, the press, or the people, to any extent, in relation to the matter. True, a treaty pertaining to this subject, which had slept at our doors for seventeen years, had been stirred a little, but this only by individual action, and that of very little strength. Within that short space, that slumbering treaty has aroused and walked unquestioned through the halls of our Legislature, clasped friendly hands with every grave senator of our land, been recognized by every branch of the government, proclaimed by our President to the nations of the earth, become a law and taken its active place among the living statutes of our country; and when a few weeks ago the same lightning wire that flashed to us the terrible news of the bombardment of Alexandria, told us also that among the fire and the smoke of battle, above the wounded and the slain, floated out full and clear, the brave, peaceful, Samaritan folds of the Red Cross of the Treaty of Geneva, every paper in the land hastened to proclaim it, and every heart heaved a sigh of relief. We learned at that moment that no step towards the right can be premature, and that it is possible for the wisest even to build better than he knows.

In the consideration of this subject, as of all others, indeed, we can only arrive at any profitable, or even just conclusions, by tracing it back to its beginning, and determining from the history of its past existence and action, the demands and prospects of its present. But, unfortunately, we find the field of research barren and unsatisfactory; overrun, through all the ages by a wild growth of ignorance, barbarity and misconception, which has choked out all wholesome fruit of humane effort. From the earliest historic ac-

counts, the soldier who has fallen in battle "with his face to the foe" has been regarded as rather the subject of envy than sympathy; he has been supposed to die painlessly, gloriously, with an immediate passport to realms of bliss immortal; if wounded, and surviving, the honor of his scars had been cheaply purchased, though he strolled a limping beggar; and he who suffered himself to be captured alive, was worthy of, and merited little else than the forgetfulness, imprisonment and hardship which his condition entitled his captors to inflict.

Although war has been the rule, if not largely the occupation of the peoples of the earth from their earliest known history; though the slaughter and privations of its victims in battle, the sacking and burning, famine and pestilence, of its sieges, and the captivity, enslavement, torture and degradation of its captives have crowded the literature of the world; only a small portion of the thought of the generations of the past has been devoted to the subject of devising or affording any means of relief for the wretched conditions resulting from the methods of national or international warfare; and even that which has been given, seems to have been so lightly regarded as to have found little or no place with the historian.

One searches wearily through volumes of international law to find in Wheaton a few pages upon the exchange of prisoners; and the conditions are not easy. Grotius gives little more comfort, or throws little more light upon the subject; and although the original rule of war is laid down in rude ferocity in the sacred pages of the Old Testament, even to the extermination of neighbors, there appears to have been no thought beyond this. The ancient Hebrews seem not to have taken any steps toward mitigation.

Among the military preparations of King Uzziah, in which are enumerated shields, spears, helmets, bows, and slings, for a host of three hundred and seven thousand and five hundred men, there is no mention of relief, nor any provision whatever for the sick or disabled. King Ahab died in battle for want of the simplest care; the slaughter of thousands upon thousands is carefully chronicled, but no hint of mitigation appears, till the command, "Love your enemies," lights up the banner of Christ.

Profane histories are three-fourths filled with the details of battles and sieges, and are almost silent as to any provisions for the sick and wounded.

There are only hints, as it were, dropped by accident.

We are not to suppose that former races were more hardy than we, and did not suffer; from their greater ignorance and lack of cleanliness it is likely they suffered more than modern armies. When pestilence and malaria struck the Greek hosts before Troy,

"The frequent pyres of the dead kept burning ever,"

and neither man nor beast was spared.

The plague of Athens has acquired an eternal ill fame.

The Expedition to Syracuse was almost annihilated by disease; and when the Emperor Servius invaded Scotland, although he encountered no enemy in battle, he lost fifty thousand men. We may be sure it was not by desertion, in a land of naked savages who ate the bark and roots of trees.

There is good reason to believe that some art of healing has arisen among every people of any intelligence, and developed itself in common with all other arts. It is probable that the first practitioners in common life were women; but there is little room for doubt that the first surgeons were warriors to whom aptitude or experience gave special skill in treating wounds. Such, were Machaon and Podalirius extolled by Homer,—men who could inflict wounds, as well as heal them, and of whom Idomeneus could say,

"A wise physician skilled our wounds to heal,
Is more than armies to the public weal."

It is to be inferred that this system continued for a long time among the armies of the Greeks.

Thus Xenophon in his celebrated "Retreat of the Ten Thousand," after the battle of Cunaxa, about 400 B. C., says that he appointed eight doctors because there were many wounded. His manner of stating it indicates that they were selected from the other soldiers.

Homer and Plato were so struck with Egyptian science and skill that they declared that the Egyptians were all doctors.

Alexander was accompanied in his march of conquest by the most famous physicians of the age, one of whom extracted an arrow from his shoulder and cured him of a dangerous fever, and another showed great nerve and skill in cutting the barbed head of a javelin from the conqueror's breast; and when Ptolemy Philometer received a fracture of the skull in battle, 146 B. C., the surgeons immediately performed the operation of trepanning.

Their scattered examples indicate a very considerable progress in surgical skill, both in Greece and Egypt, at that early day. And as the Romans excelled in political and military organization, they might be expected to develop and reduce to practice some system of treatment, "wise or otherwise," of the sick and wounded in their vast and populous armies. If they did, it lies, like their millions of slain, their magnificent cities, their monuments of greatness and glory, deep buried in the gathering mold of ages, and the pen of history is silent and sad.

It has been inferred from the story of Archagathus, related by the elder Pliny, that the healing art was unknown in the early days of the Republic. But, notwithstanding the silence of the historians, it is a curious fact that monuments, discovered in modern times, disclose that under the Empire there were surgeons of cohorts, and surgeons of legions—which would correspond roughly to regimental and brigade surgeons. About fifty years ago a handsome monument was unearthed at Housesteads in Northumberland, close to the wall of Hadrian, erected in honor of a surgeon of a cohort, who had died at the early age of twenty-five. He must have acquired his position by education and not by the slow process of individual observation.

The incentive to help and heal another in distress is spontaneous; generally the result of sympathetic impulse and kindness,—a thing of the feelings and consequently of sudden growth. But the faculty to organize and reduce to system and practice these spontaneous emotions is quite different,—a thing of reason rather than impulse. Thus there were probably surgeons and nurses, long before there were any military hospitals, or special places for the care of the disabled.

Polybius, who served in the Roman armies after the second Punic war, has left a minute account of their military organization, of their equipment, encampment, and exercises, but says not a word of a hospital, or the smallest provision for the care of the sick or wounded.

That these omissions were not the result of indifference nor inhumanity on the part of the great chiefs, is shown by Tacitus, who represents Germanicus as "going round" among his wounded soldiers and speaking words of cheer to them; and after a defeat, when they had lost, among other things, their medical stores, the faithful and brave Agrippina, the wife of the General, distributed clothing and dressings to the wounded.

Alexander Severus, in the third century, is related as having visited the sick in their tents. This beautiful and Christ-like act in that pagan emperor and general is well accounted for in his chosen and oft repeated motto, "Whatsoever ye would that men should do to you, do ye so also to them."

Livy tells that after a battle with the Etrurians, in the fifth century before our era, the Roman general distributed the wounded among the houses of the patricians.

Tacitus, describing the fall of the amphitheatre at Fidenæ, in the reign of Tiberius, when fifty thousand spectators were killed or maimed, says that the injured were taken and treated in the houses of the citizens, according to the custom of the ancients who maintained those wounded in war by their contributions and care.

But a writer of the second century B. C., Hyginus Grammaticus, who lived under Trajan and Hadrian, in an essay on the construction of camps, actually assigns a *place* to the hospital or "valetudinarium."

It is comforting, in our reflections upon the past, to know that the idea of humanity to an enemy in distress is not entirely modern; for Xenophon in Cyropædia about 400 B. C. represents Cyrus the Great as ordering his surgeons to attend the wounded prisoners. This is, of course, romance and not history, but it shows the existence of the idea even at that early day.

Through the Middle Ages the search is weary and fruitless, and but for the ephemeral light which burst out and rested like a shekinah on the banners of the Hospitaller Knights in the terrible wars of the Crusades, the darkness would remain nearly unbroken until less than three centuries ago, when the growth of civilization had led the nations to comprehend the grave responsibility resting upon them as the creators of armies, and the promulgators of war. The result was the creation of an official sanitary service,—the foundation of the present military medical service and staff of armies; and this, in comparison with all that had gone before it, was considered so great a step towards supplying the sanitary necessities of soldiers that nothing further could ever be required. As the governments took the initiative, it was naturally left to them to do all that was needful. The medical service gradually developed and improved, thus justly gaining confidence among the people, who naturally, not averse to shifting responsibility, became accustomed to consider themselves incompetent to deal with ques-

tions of humanity relating to war. The lines of demarkation, strong as the iron of their guns, between the military and the people, not only favored this conclusion on the part of the latter, but rendered it a seeming necessity.

Thus the pitiable neglect of men in war appears to have constituted one of the large class of misfortunes for which no one is to blame or even accountable, assuming that wars must be. The military acted up to the measure of its regulations, if not at times overstepping; its surgeons, humane and noble, have been the first to pity, and the bravest to proclaim the necessities and destitution of their wretched patients. It has been one of the evils and wants which the march of human progress alone could reach and supply.

Of the hospital or relief work in the wars of Napoleon I. there is little recorded. His method was swift marches, overwhelming slaughters, new levies, and great wretched heaps of misery suddenly left where they fell like the wrecks of a tornado.

But we do discover that the women of Germany found time to move in the formation of relief societies; and in 1813 the ladies of Frankfort united together to found the Frauenvereine of that city, with the express object of ensuring more complete arrangements for the care of the sick and wounded, and to assist in providing for the wants of the military hospitals of Frankfort without distinction of friend or foe. The appeal for help was made by three ladies, and a society was actually constituted on the 2d of July, 1814. Relief was indiscriminately afforded by this self-constituted and noble society, alike to the volunteer soldiers of Frankfort, to Spaniards returning from captivity, and to the French prisoners who were freely received into its hospitals; and after the terrible war had passed, it labored through an epidemic of typhus, which the war had left in its wake. It is a happy fact to possess, that this society has never lost its existence, and has promptly come to the front with every uprising of the Fatherland from that day to this.

In the comparatively bloodless campaign of the Sonderbund in Switzerland, in 1847, a society sprang up in Zurich for the *transport* of soldiers seriously wounded.

The year 1854 brought the ever-memorable war of the Crimea, and the world looked on with trembling heart and bated breath whilst the great allied powers of Western and Southern Europe pitted themselves against the Emperor of all the Russias. Once more the old

sad story,—the relentless war of races,—the Anglo Saxon, the Celt, and the Latin, against the wild and myriad hordes of the Sclave. Scarcely had they met when the allied hospitals reeked with death. But the times had changed; human progress had evolved a "Press," whose lever moved the world. The newspaper correspondents threw back upon astonished England the terrible fact of the entire inadequacy of her military medical field service. Facts are stubborn, and figures true. Both government and people awoke as from a dream; and when the letters of Lord Sidney Herbert, the British Minister of War, and Florence Nightingale, crossed in transit, the one begging civil help for military distress, the other begging leave to render it, they marked an era never before reached in the progress of the world; and when, two weeks later, Miss Nightingale, with her forty faithful attendants, sailed from the shores of England, it meant more for the advancement of the world, more for its future history, than all the fleets of armies and navies, cannon and commissary munitions of war and regiments of men, that had sailed before her in that vast campaign. This unarmed pilgrim band of women that day not only struck a blow at the barbarities of war, but they laid the axe deep at the root of war itself.

Upon the details of this mission one scarce need enter; the world knows by heart the story of Scutari and the Barrack Hospitals, and how, under the intelligent direction and labors of this civil volunteer corps, disease lessened, gangrene disappeared, and pestilence fell away, as the moth and mildew and poisonous vapors of night flee before the purifying rays of the morning sun; and how, under the strong support of the military head, and England's gracious Queen, this work went on until the hospitals of the entire British armies in the Crimea, from awful depths of misery became types of what military hospitals ought to be.

The great example had been given. The slow but willing world had learned its lesson at the cost of its teacher; for when Florence Nightingale, covered with the praises and honors of the world, bending under the weight of England's gratitude, again sought her green island home, it was to seek also a bed of painful invalidism from which she has never risen, and probably never will. At such cost is the good work of the world accomplished.

But this seed of costly sowing had taken root, and would not die.

In 1859 the Italian wars of Napoleon III. added the names of Magenta and Solferino to the military historic record of the world. Again the oft-repeated story of insufficiency of medical supplies and *personnel*, and in a day, as it were, the garden cities of Northern Italy, Milan, Turin, Brescia, burst into bloom with civil hospitals for the nursing and care of military wounded, and their committees of relief were the wonder of the hour. But, like all important movements without previous and thorough organization, they were impulsive and lacked perseverance; thus unfortunately rendering it possible for Dr. Evans, in his Sanitary History of the United States to say of the movement that, "sincere as it was, for want of an efficient organization to control its efforts, its first enthusiasm died away beneath the weight of difficulties which the general inexperience had accumulated."

Ten years more of desultory observation brings us to the brink of our own war, of which it is scarcely necessary to speak. Most of the persons present lived then, and need no reminders of the distressing inadequacy of medical and hospital field service to the emergencies of active warfare, nor of its utter inability to cope with the difficulties by which it found itself confronted within one month after the firing upon Sumpter. Neither need they be reminded of the uprising of the Sanitary Commission, of its struggles for existence, its strife for military recognition, even under all the evidences of its great humane necessity; of its thirty-two thousand relief committees dotting all our land, its contributions, its fairs and bazaars, its ingots of gold and its widows' mites; its expansion in scope, until it included not only the wants of the soldier in the field, but the home he had left; its growth in military recognition and privileges of access, till its huge four-horse wagons were galloped and halted on the very edge of battle, and its fearless bands, with young, strong life and blood to give if need be, unealled, and unexpected, like messengers from Heaven, sprang from them under the very guns, and hour by hour, through the thickest of the fight, bore their rescued and bleeding burdens through the rain of shot and shell to the place of safety and care provided for them.

It is probable that no other act of our country ever won for it the amount of moral credit and respect from other nations which has resulted from this unparalleled display of active humanity. It has taken the acknowledged precedence of all that went before it.

Translations from the highest French and German authorities upon this subject, bring to light expressions like the following:

"The Sanitary Commission of the United States was an exhibition of unofficial relief, the most vast, the most energetic, and the most persevering the world has ever seen."

From another author: "The Sanitary Commission of the United States marks a new era in the world's history. It is the greatest act of philanthropy which humanity has ever meditated and accomplished. Through its influence the whole social system of the United States was modified."

Yet this Commission did not extend beyond its own country, and only half over that, and ceased to exist with the occasion which called it into being.

Whilst the great American conflict, and its immediate momentous questions were occupying the entire attention of the people, Europe found its swords again drawn, and bayonets crossed in the Schleswig-Holstein and Austrian wars of 1864–66, with the same experience of insufficiency of official medical service in time of war, and the ever-increasing manifestations of unofficial relief, timely, useful, welcome.

The people had by this time gained some confidence, and commenced to consider themselves not altogether incompetent to deal with questions of humanity in war, if wars must be.

The statements contained in the foregoing pages, although disconnected, and scattered through the entire area of historic record, all go to establish *three* important facts:

1st. That the official army medical staff and provision for the sick and wounded of armies have never been adequate to the necessities and emergencies of active service; that no instance of a battle of importance can be cited where needless suffering and death have not been the direct results of this inadequacy; and that international law in regard to the treatment and exchange of prisoners of war, and the protection of medical and hospital supplies, and attendants designed for the sick and wounded, has been proportionally inadequate.

2d. That individual humanity and ingenuity have been untiring in efforts to meet and supply this costly deficiency; and

3d. That through lack of that concerted action and organization, which alone can supply the power and strength to meet and overcome great obstacles, the best of these efforts have nearly

failed. The greatest success in that direction ever recorded, is that of the American Sanitary Commission, which, in operation only five years, lives only in story and example; and, of whose almost death-struggles with the government for legal existence at first, Captain Henry Brackenbury, Professor of Military History at Woolwich, makes the following sad record:

"Their scheme was looked upon as a cunning device to gain power for selfish ends. One secretary asked the delegates sent to him, to state frankly precisely what they did want, since it was evident they could not want only what they seemed to be asking for."

President Lincoln thought they would be only "adding a fifth wheel to the coach."

At length, after repeated discouragements, they obtained, on the 13th of June, 1861, the appointment of a "Commission of Inquiry and Advice in Respect to the Sanitary Interests of the United States Forces," to serve without remuneration, and to be officially recognized within the limits of their authority.

"It is impossible," Professor Brackenbury goes on to say, "to overestimate the noble exertions of these men, who, with unselfish zeal, begged in ante-chambers, under rebuffs and insulting insinuations, for favors for the nation, which they would have scorned to ask for themselves."

It is easy to perceive that this inequality between human necessity and suffering on the one side, and human ability to meet and provide against it on the other, has always laid a burden heavy and sore on the hearts of the best of the world; only the bloodthirsty, mercenary, barbarous, cruel, or cruelly thoughtless, have escaped it. Still, their individual and transient efforts were accumulative and left their impress. Society ripened under the march of progress; the times changed.

Again, quoting from Professor Brackenbury, as recently as 1868, he says, "Whilst for the last few years the pages of the press have been devoted to chronicling the giant strides made in the art of destruction, but little notice has been taken of a movement that has been steadily progressing for the relief of the misery of battle-fields."

It was true, joyfully true, that amidst all the din and clash of war in both hemispheres, with the stars and stripes and the banner of secession in the West, and the battle flags of Prussia, Austria

and Italy in the East, all afloat, and whilst the most wonderful and distracted efforts at promiscuous relief the world had ever seen, were going on, the great key-note had been struck in little Republican Switzerland; a master hand had touched the keys which were to bring music out of discord, to gather all these wild and fugitive strains into one grand harmony, one great international anthem of humanity and coöperation, in which all the nations of the earth could unite.

The times, they tell us, produce the men; and thus, when Monsieur Henry Dunant, inspired by the memories of Solferino, stood before the learned "Genevese Society of Public Utility," in Switzerland, and asked it to consider the question of organizing permanent volunteer relief societies in time of peace, whose aim should be to afford relief to the sick and wounded in time of war, by supplementing the regular military establishment of surgical assistants by voluntary aid; and also asked that a system of neutrality between belligerents be instituted for the protection of hospitals, official and volunteer nurses, hospital supplies, surgeons, and the wounded themselves, and an international convention for that purpose was successfully convened by the members of that society; the chord was struck that spanned the world. From this movement emanates the present great and certain system of neutral and international relief in war, — the Treaty of Geneva, and the societies of the Red Cross; and it is scarcely too much to predict, nay, one fondly hopes, and firmly believes, that it marks the coming of, and points the way to that blessed era of peace on earth and good will to man, when men shall know each other, and reason together, and the nations shall war no more.

After what has been said, the interesting details of this important movement can be quickly related.

It was to the direct influence of the work published by Monsieur Henry Dunant, entitled "Un Souvenir de Solferino," as well as to the personal exertions of that gentleman, that the movement which led to the International Congress of 1864, and its results, were immediately due.

Monsieur Dunant, a Swiss gentleman, was travelling in Italy on his own account, in the year 1859, and was in the neighborhood of Solferino on the day of the great battle of the 24th of June. The aspect of the battle-field, the sufferings of the vast numbers scattered over it, and the occurrences which he afterwards observed

in the hospitals, where he remained some days assisting as a volunteer in attending upon the wounded, deeply impressed him.

Notwithstanding the liberal provisions which had been made by the French army, in surgeons, means of transport, surgical stores, and sick dietary, and in addition, the aid afforded by the inhabitants of the places to which the wounded were first brought, Monsieur Dunant saw, that owing to the vastness of their numbers, the wounded were left for days without attention or surgical relief; and he was led to consider whether there were any means by which this superadded suffering in time of war might be obviated. This led to the publication of the "Souvenir de Solferino," in 1862, containing descriptions of what he had observed on the battle-field, and in hospitals, as well as numerous arguments in favor of a proposition for founding in every country permanent societies for the relief of the wounded. This work created a great sensation, and was quickly translated into several European languages, and the "Genevese Society of Public Utility," appointed a committee, of which General Dufour, the General-in-chief of the Swiss Confederation, accepted the Presidency, for the purpose of supporting and encouraging the dissemination of the proposals of Monsieur Dunant. This led to an international conference held at Geneva, in October, 1863, which was attended by delegates from sixteen governments, including Great Britain, France, Spain, Prussia, Austria, and Italy. This conference sat four days, framed important resolutions, and resulted in the calling of an international congress, known as the "International Convention of Geneva," of 1864, for the purpose of considering the question of neutralization of the sick and wounded soldiers of belligerent armies. This Congress was assembled in accordance with a request from the Supreme Federal Council of Switzerland. The invitation was accepted by sixteen powers, and the Congress opened on the eighth of August, 1864, at the Hotel de Ville, Geneva, provided for the occasion by the federal government. There were present twenty-five members of the diplomatic, military and medical staff of various nations and armies. The deliberations lasted nearly a fortnight, and resulted in a code of nine articles agreed upon by the convention, and signed on the twenty-second of August by the representatives of those governments which had previously accredited their delegates with sufficient power for signing a treaty.

This is considered a most remarkable instance of a general

treaty brought about by the exertions of an individual in private life.

It will be borne in mind that the aim of the Congress of 1864, was to obtain the neutralization of the wounded in belligerent armies, and of the *personnel* and *materiel* necessary for their care and treatment, and to determine whether the humane principles which had from time to time been applied exceptionally, might not, under certain limitations be rendered consistent with military necessities on all occasions, and be established as a rule.

The conference of 1863, less official in character, had aimed at the foundation of a system of Relief Societies for all countries, and its resolutions are to this end.

A word in regard to the nine articles of the Treaty, formed by the Congress or Convention of 1864, may not be out of place.

The first naturally provides for the security of the hospitals in which the wounded might happen to be collected, that they shall be held neutral, and be respected by belligerents so long as sick or wounded remain in them.

Articles 2 and 3 provide for the neutrality and safety of all persons employed in the care of the wounded in hospitals,—surgeons, chaplains, nurses, attendants,—even after the enemy has gained the ground; but when no longer required for the wounded, they shall be promptly conducted under escort to the outposts of the enemy to rejoin the corps to which they belong, thus preventing all opportunity to roam free and make observations under cover of neutrality.

Article 4 settles the terms on which the material of hospitals,—field and general,—shall be regarded, and that field hospitals shall not be subject to capture.

Article 5, with the view to quiet the fears of the inhabitants in the vicinity of a battle, who often flee in terror, as well as to secure their assistance, and the comfort of their homes for the care of the wounded, offers military protection, and certain exemptions to all who shall entertain and care for the wounded in their houses.

Article 6 binds the parties contracting the Treaty not only to give the requisite care and treatment to all sick and wounded who shall fall into their hands, but to see to it that their misfortunes shall not be aggravated by the prospect of banishment or imprisonment; they shall not be retained as prisoners of war, but if cir-

cumstances admit, may be given up immediately after the action, to be cared for by their own army, or if retained until recovered, and found disabled for service, they shall be safely returned to their country and friends, and also that all convoys of sick and wounded shall be protected by absolute neutrality.

In order to secure the neutralization of hospitals and material, and the nurses engaged in the service of the wounded, it was necessary to fix upon some common sign by which they could be recognized by all parties and all nations uniting in the treaty. Thus,

Article 7 provides a flag for hospitals and convoys, and an arm-badge for persons. The design proposed was a red cross upon a white ground. The reasons for this selection were two-fold: First, it was typical of the Christian principle of the international charity embodied in the articles of the Convention. Second, it was a compliment to the country in which the Congress was sitting, this being the national flag of Switzerland with the colors reversed,—her flag being a white cross on a red ground.

In order to show that the parties carrying this flag have a right to it by treaty as well as to indicate the country to which they belong, it must be always accompanied by the national flag, and in order to guard against wrongful use of thearm-badge, or brassard, it is left to the military authorities to issue them.

Articles 8 and 9 provide for the details of execution being left open for the subsequent admission of other governments.

This treaty received the signatures of twelve governments at first, which were soon increased to sixteen, and subsequently to double that number.

The International Conference of 1863 dealt with the subject of the National Relief Committees, so warmly urged by Monsieur Dunant. Its resolutions provided for the formation of central committees in each country, with power to form sub-committees, to establish relations with the government, to make themselves acquainted with all improvements in the means of helping wounded soldiers, to train volunteers for hospital service, to collect materials for sick and wounded when necessary, to keep up friendly relations and intercourse with each other, in order that any improvements or inventions in field transport, likely to be serviceable in campaign, made in one country, might be made known in other countries, just as improvements in the implements of destruction are mutually observed, and generally without much reserve communicated between nations on friendly terms with each other.

In time of war these committees become the agents of the public at large for affording aid, through the proper authorities, to the sick and wounded.

There is, it is believed, no civilized nation which has not, today, its central committee, existing and acting in accordance with the resolutions of that conference.

In monarchical governments these committees or societies are generally under the patronage of members of the royal families. Of their work of unparalleled activity, unselfish devotion, and holy beneficence in all wars, among all peoples, from their institution to the present moment, there is neither time nor space for me to speak. The work of the International Relief Committees of Europe during the Franco-German war could no more be portrayed in this paper than could the four years' work of the Sanitary Commission of the United States be represented here. It would be historic mutilation to attempt it.

It is something, however, to know that the needless sufferings of that terrible conflict were almost entirely averted; that no record of military abuse or cruelty stains the annals of its history; that wounded captives were nursed in the same hospitals with wounded of their captors; that prisoners of war were well treated and faithfully returned; that the national committees and societies under the treaty vied with each other in the munificence of their gifts, and their promptness of relief; that true to the magnanimous and holy spirit of Christianity, there was no respect of persons in that great gala day of charity. The jewelled fingers of the princess, and the hard hand of the peasant woman met and labored side by side, unquestioned and unquestioning in their God-given mission. Ay! side by side they wrought, as side by side their dead lay on the fields.

Empress Augusta became the active head of the Society of Germany, which position she still continues to honor. The beloved Grand Duchess, Louise of Baden, only daughter of the Emperor and Empress of Germany, was untiring in the conduct of the noble society she had already formed and patronized. Her many and beautiful castles, with their magnificent grounds, throughout all Baden, were at once transformed into military hospitals, and her entire court, with herself at its head, formed into a committee of superintendence and organization for relief. I have seen a wounded Arab from the French armies, who knew

no word of any language but his own, stretch out his arms to her in adoration and blessing as she passed his bed.

Switzerland, which received the entire fleeing fugitives of Alsace-Lorraine, and the outcomers of Strasbourg after bombardment, and into which Bourbaki threw his whole army in defeat, not only nourished and sheltered these, but gave of her money and *materiel* as from a bottomless well. There was no end of her bounty.

The Committee of England, under the direction, I believe, of the Duke of Sutherland, made more than good her great record of English philanthropy. No higher praise could be bestowed.

For the Treaty itself, it is all important to know that it stood every test of military trial; that no instance of infraction of its regulations or of advantage having been taken of its privileges is recorded. From that time there has been no expression of doubt or fear. The harness had been tried.

Of the part taken by the United States in the work of relief in this great conflict, unfortunately, one is not able to speak in this connection, as she was not a party to the Treaty, and had no national society; consequently she must make her contributions in her own way, and run her own risk of their safe reception and proper distribution. If her supply ships, under only a single flag, sailed into foreign ports held by the enemy,—who could not recognize them, and would not permit them to land,—and being chartered only for the voyage, must return, and if the perishable portion of their valuable stores were spoiled, and found a reception in the dock, and the more permanent part was unloaded and sold to the highest bidder; the little money it brought, being distributed with the best and most conscientious judgment of the disappointed, tired, sore-perplexed and baffled agents,—it was only the natural result and oft repeated experience of unorganized and unsystemized charity the world over. If this were so, it is past, let us bury it with the past, and be thankful it can never happen to us again.

The question naturally arises in every mind, why were we not a party to the treaty, and why had we no societies? Although the fact seems singular and painful, it is still capable of explanation.

It will be remembered that the Conference and Congress of Geneva were held during the years of 1863 and 1864. The United States, having been invited with all other nations to send delegates, was officially represented at the latter by Mr. Bowles, then a resident

of Paris, and by him the resolutions and articles of both assemblies were officially transmitted to our government for action. It was not unnatural that our renowned Secretary of State, William H. Seward, should then have declined on the officially stated ground that we were in the midst of, and embarrassed by, a relentless and barbarous war.

Some years later another convention, known as "The Convention of 1868," was held in Paris, and another set of articles, including the wounded of maritime wars as well as those of land forces, was submitted to the nations. In this convention the United States was most fitly represented by its noble and world-renowned philanthropist, Rev. Dr. Henry W. Bellows, who was appointed its representative in this country; and by that honored gentleman the articles of the original treaty, including the additions of 1868, were again presented to the United States Government, and were again declined, most likely for the reason that they had once before been declined. Yet through the faithful endeavors of Dr. Bellows, a society was actually formed during that year; but the subject as well as its literature was foreign to our people, who, knowing little or nothing of it, felt no interest; besides a society formed for purposes of "International Relief in War," lacking an "International Treaty" to that end, and lacking all the privileges and powers to be conferred by the treaty, was simply "Hamlet with Hamlet left out," and like a sapling planted without a root, it naturally withered away.

It is not singular that the International Committee of Geneva became perplexed by the repeated declinations and apathy of a nation which had given to the world the examples of Sanitary and Christian Commissions, and sought explanations from such sources as it could reach.

Notwithstanding all that had been done, the subject slept till 1877, when it was again presented during the administration of President Hayes, and a committee was formed, consisting of four persons, three ladies and one gentleman, styling itself the "American National Committee or Society of the Red Cross, for the Relief of Sufferings by War, Pestilence, Famine, Fire, Flood, and other calamities, so great as to be regarded as national in extent."

In the following year, 1878, a small pamphlet entitled the "Red Cross of the Geneva Convention," was issued, explaining the subject and its objects.

This society of 1877 devoted itself to the dissemination of a knowledge of the subject among the people, and the creation of a sentiment favorable to the adoption of the treaty by the government. In this effort, it was aided by the strong and willing pens of other persons who had come to understand and appreciate the cause, and whom it would be a pleasure to name. But it was not until almost four years later, with the incoming of the administration of our martyred President, who was himself to die a wounded soldier, that any favorable response was made, any audience gained, or the slightest echo returned to the faithful and persistent rappings of humanity through seventeen weary years.

It will not, perhaps, be inappropriate to name some of the persons, no less than the measures, to whose active exertions and philanthropic natures, the accession of our country to the Treaty of Geneva is at length due.

Its first official advocate, and its tireless friend from its presentation in 1877, was Hon. Omar D. Conger, now Senator from Michigan, then a member of the House.

Hon. Secretary Windom, as a member of President Garfield's cabinet, laid it before the President in cabinet session. It was cordially received and responded to by the President and his cabinet.

Hon. Secretary of State, James G. Blaine, wrote a cordial letter of approval, and President Garfield promised to recommend, in his first annual message to congress, the accession of the United States to the Treaty.

Upon receipt of this information, the original American society of 1877, reorganized, and became incorporated under the name of the "American Association of the Red Cross," with the same objects and scope as first included.

Scarcely was this accomplished, when the assassin's shot palsied the great heart and strong hand on which its first hopes had grown.

Then followed the weary eighty days of national agony, when hope seemed once more smothered in the pall and the bier. But a great-hearted and strong-handed successor came to the rescue, and nobly took up the work where it had been left; and the first general message of President Arthur carried out the plan, and faithfully performed the promise of his lamented predecessor. This act brought the subject before the Hon. Committee on Foreign Affairs in the Senate, and there it again met its early friends, Senator

Windom, as chairman of the committee, and Judge Edmonds, Hon. Senator Morgan, of Alabama, who had been one of the first to comprehend its true character, and Hon. Senator Lapham, of New York, who assumed special charge over it in committee, and who has given to it his watchful care and strong legal ability upon all occasions.

The dark days of the long-neglected treaty began to brighten, and its lines to fall in pleasant places. After able discussion, the accession of the United States to the articles of the conventions of both 1864 and 1868 was agreed upon, and the treaty received the signature of President Arthur on the first day of March, 1882.

It was ratified by the Senate on the sixteenth of the same month, and the stipulations were exchanged at Berne, Switzerland, on the ninth of June, and on the twenty-sixth of July, the Treaty was proclaimed by the President to the people of the United States.

Thus this first great movement towards the neutralization of nations, and international relief in war, became to this country an accomplished fact and a law of the land.

Although we have been the thirty-second and last nation to accede to the original and first Treaty of 1864, it is consoling to know that we are the first to have affixed a signature to the treaty of the second congress of 1868, covering maritime wars, no other nation having yet fully acceded thereto. Although late in the one, we lead in the other.

Some very brief remarks relative to the Relief Committees, their origin, purpose, and methods of activity, may not be out of place.

First of all is the International Committee of Geneva, known as the "*Comité International de secours aux Militaires blessès*," and co-existent with the conference and congress of 1863 and '64. It will be remembered that these assemblies were convened at the instance of a committee selected by the "Society of Public Utility of Geneva." The efficient and accomplished president of that society, Monsieur Gustave Moynier, was also president of the Congress of 1864. At the close of that Congress, the nations which had become party to the Treaty, finding it desirable that some centre of action should be recognized, invested the Committee which had thus far constituted the soul of the work, with full power to act in the capacity of Central Committee, making it

the legal and high source through which the exchange of communications between the committees of different nations should be made. It thus became international in character, and is today the world-honored "International Committee of Geneva." With what fidelity, wisdom and unanimity it has fulfilled its important and peaceful mission, its vast work of almost twenty years has conclusively shown.

Its presidency has never been changed.

The committees and societies formed in the several States are national, and are free to institute and administer their own systems of relief, but never neglecting to communicate them to other nations through the legal medium, "The International Committee of Geneva."

Under these, national societies exist in every country, and in some countries in almost every town, subordinate societies, corresponding almost perfectly to the Relief Societies of the Sanitary Commission, with, however, this important distinction, that these are permanent societies. It was these small tributaries, to a great extent, that poured out the inconceivable amount of supplies which so promptly found their way to the hospitals in the Franco-German war.

Of the American Society, which in reorganization took the title of an "Association," mention has been already made. Up to the present time it is not known that any other national society has extended the scope of its labors or supervision beyond the original idea of relief in war; but in view of the geographical position, and greater consequent security of America from the frequent outbursts of war,—that scourge and terror of the more crowded nations of the Eastern hemisphere,—it was believed that she might not only well perform the duties, national and international, expected of her by the conditions of the Treaty, but still have in reserve abundant means and energy to devote to the sufferings caused by the great revulsions and accidents to which the peculiar characteristics of her vast territory, and divers conditions, render her painfully liable. The American Society felt itself sustained in making these important extensions in its field of action, by the text of Article 20, of the Berlin Conference of 1869, which recommends that the societies established under the Treaty of Geneva, extend relief in time of peace to public calamities, which require, like war, prompt and well organized help. It has been

recently stated that Russia, whose Red Cross Societies are among the most advanced and active of all the nations, has extended their field of usefulness.

It was with this view that the American Association organized, as has been before stated, to include the relief of calamities so great as to be, by general estimation, regarded as national in their extent and demands, and to hold itself, with its auxiliaries, both State and town, in readiness for immediate action in such emergencies, as well as for war — the same constitutional regulations serving alike for all.

It is needless to add that the success of this untried theory was a problem of no small moment. Experiment alone could solve it.

The National Society of 1877 had, from the first, steadily declined the taking of any steps towards the formation of societies, until it should have assurance of the accession of the United States to the Treaty.

This assurance came by the promise of the government in June, 1881, that it would move in that direction.

Directly following this, another publication of a hundred pages, entitled the "Red Cross of Geneva," was issued for the purpose of making the subject better known to the people and urging the accession of the government to the Treaty.

It is interesting and significant to read from the pages of that publication of last year the following:

New Haven, Conn., Oct. 20, 1882.

To the President of the United States:

The undersigned would respectfully recommend to your favorable consideration the adoption, by the government of the United States, of the provisions of the International Treaty of Geneva, for the care of the sick and wounded in war.

Theodore D. Woolsey.
H. B. Harrison.
John E. Todd.
Edwin Harwood.
Joseph Sheldon.
Francis Wayland.

In July and August, 1881, following the assured action of the government, societies were formed in Dansville, Rochester and Syracuse, N. Y., just in time to send back their bountiful supplies and liberal contributions in money through the smoke that rolled over them from the blazing fields of Michigan.

This was fighting fire at a distance, but they did it bravely and well.

The recent overflow of the Mississippi afforded subjects for still further and more extended trial, and it is a pleasure to add, with results equally gratifying and assuring to the National Association. It is a fact worthy of mention that the munificent contribution of one eminent citizen, through the Rochester society, of ten thousand dollars in seeds for planting the desolated district was rendered doubly, trebly valuable, by the rapidity and precision with which it was distributed through the organized societies of the Red Cross. The slow decline of the water having delayed the planting, great haste was necessary in order to secure any return from the land the present year. A call from the National, to the Rochester Society, to meet this new emergency was promptly responded to, and within three days the seed was on its way to the Red Cross Society of Memphis, which society being notified of its transit, made the necessary provisions for its immediate distribution, and within twenty-four hours after its arrival in Memphis, it was assorted, and reshipped to the proper points in five different States with full instructions for final distribution.

It is a comfort today to know that thousands of acres of that so recently desolated valley are rich with ripening vegetation, and that thousands of persons are subsisting upon the results of that one well arranged act of generosity.

The Red Cross Society of Rochester, with less than a year of existence, has contributed over fourteen thousand dollars in material and money to the relief of sufferers by calamity. It should be said that the incipient movement towards the formatian of this magnificent society, as well as that of Syracuse, was made by Rev. Dr. Gracey, the noted missionary to India, now Presiding Elder of the Methodist Diocese of the District of Rochester, and one of the earliest and most efficient friends of the Red Cross. So much may the timely efforts of one person accomplish.

Their is neither teacher nor preacher like necessity, and the late lesson of the Mississippi valley has resulted in the formation of societies in most of the cities of importance from Chicago to New Orleans, all organized under a general constitution, as auxiliary to the American Association of the Red Cross at Washington, and all affiliated with the national and subordinate societies of thirty-two nations, acting in concert in the grand work of humanity, and the practical furtherance of good will among mankind.

My task is done. I have endeavored to submit to the judgment of this high assemblage such facts and observations in regard to the practical utility of a system of national and international relief in great emergencies, as some years of attention to the subject and some little experience have given me. If your honorable body shall find the subject matter of sufficient importance to attract its further attention, and elicit from it such suggestions and counsel, as from time to time it may be pleased to bestow, the object of my coming will have been attained.

MEETING OF THE SOCIAL ECONOMY DEPARTMENT.

OPENING ADDRESS OF THE CHAIRMAN OF THE DEPARTMENT.

BY F. B. SANBORN, OF CONCORD, MASS.

At the special Department Meeting, on Friday, September 8, the members were called to order at 9.30, A. M., by Mr. F. B. Sanborn, the successor of Professor Rogers in the chairmanship of the Department, who spoke in substance as follows:

Ladies and Gentlemen, Members of the Social Economy Department:

As I rise to address you I am reminded of the first organization of this Department; and its appearance at our General Meeting of 1874, in the city of New York; when a committee of the Department, of which my lamented predecessor, Prof. Rogers, was chairman, presented to the first Conference of Charities in May, 1874, a report on "Pauperism in New York." It was at the suggestion of Prof. Rogers, I think, that this Department was detached from that of Trade and Finance, and undertook a separate study of those questions which, while involving economics in general, have a particular bearing on the social relations of political economy. Pauperism is emphatically such a question, and our Department, in its very infancy, not only discussed that topic, but called into existence what has since become a powerful and independent association, the National Conference of Charities and Corrections, which held its ninth yearly session at Madison in Wisconsin, four weeks ago, with delegates present from twenty States. We have left pauperism, insanity and kindred topics mainly to the consideration of this Conference, the Proceedings of which, published in a thick volume, will no longer, as formerly, be distributed to members of our Association, but may be obtained by subscription from the Publishing Committee of the Conference, the Chairman of which, this year, is Prof. A. O. Wright, of Madison, Wisconsin.

Following the line of inquiry proposed by Prof. Rogers, Mrs. Parkman, Mr. Elizur Wright, and other members of our Department Committee in former years, we have, from time to time, presented papers here on Savings Banks, Industrial Education, Life Insurance, Amusements for the People, etc.,—but the subject which most engaged our attention, from 1874 to 1879, was that important one, originally suggested, I believe, by Mr. Josiah Quincy, of Boston, under the comprehensive name of "Homes for the People," upon which Mr. R. T. Paine, Jr., of Boston, read a Paper at our Detroit meeting of 1875, and which became in 1876

the occasion of an elaborate Report read at the Annual Meeting in Boston, and, in substance, communicated to the British Social Science Congress of the same year. These papers had much to say of the Philadelphia Building Associations, so well described by Mr. Burk of that city at our last year's session here; and these were the subject of a special session in Philadelphia in June, 1876, when the Philadelphia Social Science Association contributed two papers of much value on various aspects of the main question of "Homes for the People." At our Saratoga meeting of 1877, and at the Cincinnati meeting of 1878 the question was again debated, in other aspects,—until our Department had made the whole matter familiar to the people of the United States.

The question of Industrial Education, which I just mentioned, has been recently taken up by several members of our Association who are connected with the Massachusetts Board of Education; and a report on that subject, prepared by Col. Higginson, President Walker, of the Institute of Technology, and others, will be printed in the next Report of that Board, to appear early in 1883. In this Report will be contained the information lately gathered in Sweden by Prof. Ordway, of the Massachusetts Institute of Technology, respecting the method in which manual labor is taught in the common schools of Stockholm and other Swedish towns. It is our hope to obtain from Col. Higginson, at our next General Meeting, a paper on the same topic, communicating more fully the Swedish experience in this matter, and pointing out how the method in use in Sweden can be applied to the common schools of America, at least in cities. It will be remembered that this was a subject in which a former member of this Association, the late S. P. Ruggles, of Boston, was greatly interested, and that it was frequently brought by him before our Boston meetings.

Today we bring before you several divisions of another subject of increasing interest not only to New England, but to the whole country and the world in general,—the Factory as an Element of Civilization,—to make use of the happily-chosen phrase of Mr. Wright, who will address you on that text this evening. This morning he will introduce the papers presented by the committee of which he is chairman, with some general remarks; after which you will listen to the papers of Mrs. Robinson, Miss Larcom, and Rev. Mr. Jones.

Mr. Carroll D. Wright of Massachusetts, Chief of the Bureau of Labor Statistics in that State, and chairman of a sub-committee of the Department of Social Economy on Factory Labor, then came forward and explained the origin of the papers which his committee desired to present, and the connection of his own address therewith. In order to preserve the logical order, Mr. Wright's address is here first printed, though not delivered until Friday Evening.

The long and interesting address of Miss FLETCHER, on the Indians of Dakota, which was made during the session of the Social Economy Department, is not printed here but will appear in abstract among the papers of the Department of Education, in the Journal of Social Science, No. XVII., to be issued in February, 1883. It was prepared at the invitation of the Department of Education, and was debated there.

The Proceedings of the Conference of Charities, mentioned on page 98, will appear in January, 1883.

PAPERS OF THE SOCIAL ECONOMY DEPARTMENT.

(Read September 8, 1882.)

I. THE FACTORY SYSTEM AS AN ELEMENT IN CIVILIZATION.

AN ADDRESS BY CARROLL D. WRIGHT, ESQ., OF BOSTON.

One of the most attractive departments of human knowledge is what may be denominated the evolution of industrial forces. The progress of the systems of labor gives to science a field for the practical application of the doctrines of evolution, entirely relieved from the abstract philosophical distinctions, which, in greater or less degree, surround those doctrines when applied to growth in other departments.

The philosophy of history will take into account the vital elements of industrial forces in all their grand development, as important factors in shaping civilization itself, as well as in shaping the commercial policy of nations in their relations to each other.

It is to be regretted, however, that history as it is generally constructed, takes but little account of such forces, and he who would understand the intimate connections of apparently diverse interests in their influence upon the establishment of industrial systems, must do so upon the basis of his own studies, expecting and receiving but little aid from the historians.

The influences which led to the institution of the factory system are as diverse in their nature, almost, as the ramifications of the system itself. These influences, however, are not shrouded in any mystery but are clearly defined, and their power, not only abstractly, but concretely, is fully recognizable in the origin of the system.

The factory system is of recent origin, and is entirely the creation of influences existing or coming into existence during the last half of the eighteenth century. These influences were both direct and subtle in their character, but all important in their place and in their combination. As a great fact, the system originated in no preconceived plan, nor did it spring from any spasmodic exercise of human wisdom; on the contrary, "it was formed and shaped by the irresistible force of circumstances, fortunately aided and guided by men who were able to profit by circumstances." [Taylor's Factory System, 1–11.] To borrow the expression of Cooke Taylor, . . . "Those who were called the fathers of the

system were not such demons as they have sometimes been described, nor yet were they perfect angels; they were simply men of great intelligence, industry, and enterprise; they have bequeathed the system to this age with the imperfections incident to every human institution, and the task of harmonizing their innovation with existing institutions, and with the true spirit of righteousness belongs really to the great employers of labor rather than to the professed teachers of morality. It is too late to inquire whether the system ought, or ought not to have been established; for established it is, and established it will remain in spite of all the schemes of the socialists or the insane panaceas of quack economists."*

In its origin the factory system found its application in the textile trades of England, and we are very apt now, when the term is used, to confine it in our minds to the production of cotton and woolen goods, although it has in reality embraced nearly all lines of the products of machinery.

A factory is an establishment where several workmen are collected together for the purpose of obtaining greater and cheaper conveniences for labor than they could procure individually at their homes; for producing results by their combined efforts, which they could not accomplish separately; and for saving the loss of time which the carrying of an article from place to place, during the several processes necessary to complete its manufacture, would occasion.

The principle of a factory is, that each laborer, working separately, is controlled by some associating principle, which directs his producing powers to effect a common result, which it is the object of all collectively, to attain.

Factories are, therefore, the legitimate outgrowth of the universal tendency to association which is inherent in our nature, and by the development of which every advance in human improvement and human happiness has been gained.

The first force which tended to create this system was that of invention, and the stimulus to this grew out of the difficulty the weavers experienced in obtaining a sufficient supply of yarn to keep their looms in operation.

Invention, paradoxical as it may seem, had really aggravated the difficulty by a device for facilitating the process of weaving. I

*Cf. Taylor's Dedication to "Factory System."

have reference to the fly shuttle, invented in 1738, by John Kay. By this device one man alone was enabled to weave the widest cloth, while prior to Kay's invention, two persons were required.

One can readily see how this increased the difficulty of obtaining a supply of yarn, for the one thread wheel, though turning from morning till night in thousands of cottages, could not keep pace either with the weaver's shuttle, or with the demand of the merchant. [Baines' History of the Cotton Manufacture, 117.

In 1738, the very first gleams of the genius which was to remove the difficulties were discovered, and wings were given to a manufacture which had been creeping on the earth. An elementary mechanical contrivance was invented, whereby a single pair of hands could spin twenty, a hundred, or even one thousand threads. I need not carry you through the details of the various inventions which culminated in a grand constellation of mechanical devices, as perfect and as wonderful as any class of inventions, and which have influenced the world in a deeper sense than any other save printing.

It is true that when this admirable series of machines was made known, and by their means yarns were produced far superior in quality to any before spun in England, as well as lower in price, a mighty impulse was given to the cotton manufacture.

It was an impulse, however, and the inventions would not have brought their fullest fruition without the powerful influences which came into existence through events which have not usually been considered in this connection, but which are as legitimate in considering what I have called the evolution of industrial forces, as the inventions themselves, which simply constitute the initiatory outgrowth of such evolution.

While the processes of production had become in England more efficient, through the invention of spinning machines, whereby the weavers were kept busy and allowed no rest, it was only where a stream gave force to turn a mill wheel that the spinner or the woolworker could establish his factory, while if this difficulty even had not existed, the inefficiency of distribution would have rendered useless, to a large degree, a greatly augmented production.

Mr. Green, in his History of the English People, speaking of the decade beginning with 1760, remarks: "The older main roads, which had lasted fairly through the middle ages, had broken down in later times before the growth of traffic and the increase

of wagons and carriages. The new lines of trade lay often along mere country lanes which had never been more than horse-tracks, and to drive heavy trains through lanes like these was all but impossible. Much of the woolen trade, therefore, had to be carried on by means of long trains of pack-horses. . . . In the case of yet heavier goods, such as coal, distribution was almost impracticable, save along the greater rivers or in districts accessible from the sea." But at the time when Hargreaves and Arkwright were struggling to make their inventions available, the enterprise of a duke and the ingenuity of a millwright not only solved the problem of distribution, which the trade of the country was forcing upon England, and which improved cotton machinery was sure to complicate, but they paved the way, by constructing canals, for the greatest application of the steam engine, which could not have played its part in establishing the factory system without means of distributing coal, and the system itself without the steam engine, would have been a feeble institution. [Green, vol. 1, p. 279.

England at once seized on the discovery of the canal as the means by which to free herself from the bondage in which she had been held. "From the year 1767, a net-work of water-roads was flung over the country; and before the movement had spent its force, Great Britain alone was traversed in every direction by three thousand miles of navigable canals." [Green, vol. 1, p. 279.

The free and cheap distribution of coal and iron at once became an important factor, in fact the chief element in the development of the factory system; and now for the first time in the history of civilization, a new motive power became indispensable to growth, for "what was needed to turn England into a manufacturing country was some means of transforming the force" of the sun "stored up in coal into a labor force; and it was this transformation which was brought about through the agency of steam." [Green.

The location of mills upon streams of water was no longer a physical necessity; they could be built and run near large towns, where they could be fed from the crowded population. The influence of this change of location has been the cause of most of the so-called factory evils.

The power loom closed the catalogue of machines essential for the inauguration of the era of mechanical supremacy; what inventions will come during the continuance of that era, cannot be

predicted, for we are still at the beginning of the age of invention.

The wonderful results of its first twenty years of life are sufficient to indicate something of the future.

When the period of which I have spoken, the score of years from 1765 to 1785, had closed, England found herself possessed of powers which needed only the support of the silent forces of the nation to carry her to the very highest point in industrial supremacy.

Inventions were the material forces, powerful, indeed, as agents in building the factory system. What were the spiritual forces, so to speak? The inner, subtle, but also powerful agencies at work to render the material forces successful? A body without a spirit is but dead matter. This is certainly true in one sense of all the mechanical bodies which have served as expressions of mind. A machine is really embodied action; a grand combination of inventions must embody not only all the actions represented but the spirit of the age, for without this they are powerless.

While the inventions of which I have spoken were being perfected, Adam Smith was working out his memorable Inquiry into the Causes of the Wealth of Nations. When he was lecturing with applause, in Glasgow, from the chair of Moral Philosophy, James Watt was selling mathematical instruments in an obscure shop within the precincts of the same University, and was working out his inquiry into the practicable methods of applying steam.

It may seem as if no two departments of human thought were more widely separated than those in which these two men were engaged. One was a region purely mental, the other purely physical. The one had reference to the laws of mind, the other to the laws of matter; and yet the work of Adam Smith and that of James Watt were inseparably connected, not only as involving analogous methods of investigation, but as showing in their result the blending and coöperation of mental and material laws.*

Dr. Smith treated of the Philosophy of Trade, and by his philosophy prepared the English mind to receive for England's benefit, the commercial results, not only of her inventions but of her losses from the war with her colonies, and the diversion of her slave-trade capital.

Adam Smith published his work in 1776, and during the seven years of strife with this country his doctrines had taken silent and

* Duke of Argyle, Reign of Law, 339.

almost unobserved possession of the minds of the thinking men of England, so that at the close of the war it was not difficult to turn the thoughts of manufacturers and merchants to the industrial possibilities of Great Britain.

Guizot remarked that "England's liberties are owing to her having been conquered by the Normans." The truth of this statement is easily discernible under the light of the philosophy of history. It is also true, to a great extent, that England owes her industrial supremacy to the loss of her American colonies.

With the close of the war the industry of England was exerted to its fullest power, to the task of supplying the world with cotton goods. Her pauper children were made to contribute to her industrial greatness; she flooded America with cheap goods, and demoralized our merchants and our people, and actually drove them into a fever for foreign goods. The capital of England, released by the war, was free to engage in industrial and commercial enterprises, and well did the business brains of the country apply the doctrines of the Glasgow Economist. But a stranger power than war, or the pauperism of agricultural districts, from which the factories were largely supplied with cheap labor, was added to the combination of forces essential to the establishment of a new industrial order. Disgraceful and tedious as had been the contest with the colonies, the years devoted to it were years of as grand and mighty a revolution for the mother as for the child. [Green.] This revolution took the shape of a great moral and religious power which seemed to roll without obstacle over the land, changing the polities of the country and changing the directions of the employment of active capital.

The religious revival work of the Wesleys brought a nobler result than mere religious enthusiasm. A philanthropic impulse grew out of the Wesleyan impulse. The writings and the personal example of Hannah Moore drew the sympathy of England to the poverty and crime of the agricultural laborer. A passionate impulse of human sympathy with the wronged and the oppressed grew with amazing strength, and under its influence Clarkson and Wilberforce were sustained in their crusade against the iniquity of the slave trade. This grand enthusiasm carried Howard through the moral chivalry of his labors; so each and all who sought the elevation of the oppressed thus gave a shot to the slave trade either directly or indirectly, for all helped to create the public

sentiment which insisted upon its abolition. "Half the wealth of Liverpool was drawn from the traffic of its merchants in human flesh." [Green.

As the spirit of humanity told upon the people, apathy suddenly disappeared. Philanthropy allied itself with the Wesleyan movement in an attack on the slave trade. The first assaults were repulsed by the opposition of the merchants who argued that the abolition of the trade meant their ruin. But the movement gathered strength from year to year, and the traffic was suppressed, and the vast amount of capital employed in it was forced into new channels, and naturally into commercial and industrial enterprises.

The philosophy of these events in their relation to the establishment of the factory system cannot be denied. To be sure invention alone would in time have succeeded in instituting the new system, but not for generations upon an enduring basis.

It required all the forces I have considered, physical, mental, philosophical, commercial, and philanthropical, working in separate yet convergent lines, to lay the foundation of an entirely new system of industry, and these forces, coming into existence during the twenty years following the success of the efforts of Hargreaves and Arkwright, and extending in their wonderful influences over the earth wherever civilization has a foothold, constitutes that period one of the most remarkable since the Christian era. In fact, no generation since then has so completely stamped itself upon the affairs of the world.

England at the close of the revolution held, as she supposed, the key to the industrial world, in cotton manufactures; certainly she held the machinery without which such manufactures could not be carried on in competition with her own mills.

The planting of the mechanic arts in this country became a necessity during the war of the revolution, and afterwards the spirit of American enterprise demanded that New England at least, with her barren soil, should improve the privileges she did possess, which were water power and skill.

Of course most industries whose products were called for by the necessities of the war were greatly stimulated, but with peace came reaction, and the flooding of our markets with foreign goods. A new patriotism which sought industrial as well as political independence of the mother country, resulted in the new constitution, the second act under which was passed July 4th, 1789, with

this preamble: "Whereas, it is necessary for the support of the Government, for the discharge of the debts of the United States, *and for the encouragement and the protection of manufactures*, that duties be laid on goods, wares, and merchandises imported; be it enacted," etc.

Patriotism and statute law thus paved the way for the importation of the factory system of labor, and so its institution here as well as in England was the result of both moral and economical forces. These forces, existing at the time of the coming of Samuel Slater, the father of American manufactures, as President Jackson designated him, made Slater's work a success, and his success firmly established the factory system in this country. Slater came in 1789, equipped with the knowledge of the manufacture of cotton machinery gained as an apprentice to Arkwright himself. He constructed the machinery for a small mill in Rhode Island, in 1790, from which period the progress in the establishment of factory manufactures was uninterrupted save by temporary causes.

From the textile industries the system has extended to almost all branches of production, till a large proportion of all manufactured articles in use today in civilized countries are factory made, and yet one-half the population of the globe is still clothed with hand-made fabrics.

The statistics of the industries of Great Britain, and the United States, are the statistics of industries conducted under the system.

In France, Germany, and Belgium, the system predominates, although the domestic system of labor in these countries has continued to exist to considerable extent.

The new system, which has found its most rapid extension in the United States, has enabled the manufacturers of this country, with our wonderful stores of raw materials at hand, to become the successful rivals in the mechanic arts of any country that desires to compete with them.

It has changed the conditions of masses of people; it has become an active element in the processes of civilization, and has changed the character of legislation and of National policy everywhere.

Is this great, powerful, and growing system a power for good or for evil? Does it mean the elevation of the race or its retrogression?

When we speak of civilization we have in mind the progress of

society towards a more perfect state, as indicated by the growth of a long period of time; we do not simply contemplate specific reforms or especial evils, but the trend of all social influences.

When we speak of the factory system we are apt to let our thoughts dwell upon the evils that we know or imagine belong to it; this is certainly true when civilization and the factory system are suggested in the same sentence. This is wrong, for we should contemplate the factory system in its general influence upon society and especially upon that portion of society most intimately connected with the factory.

My position is that the system has been and is a most potent element in promoting civilization. I assume, of course, and the assumption is in entire harmony with my thoughts, that the civilization of the nineteenth century is better than that of the eighteenth.

An examination into the conditions existing under the factory system and those of the domestic or individual system which preceded it, fully sustains this position.

None of the systems of labor which existed prior to the present or factory system, were particularly conducive to a higher civilization. Wages have been paid for services rendered since the wants of men induced one to serve another, yet the wage-system is of recent origin as a system. It arose out of the feudal system of labor and was the first fruits of the efforts of men to free themselves from villeinage. The origin of the wage-system cannot be given a birth-day as can the factory system. It is true, however, that the wage-system rendered the factory system possible, and they have since grown together. The first may give way to some other method for dividing the profits of production, but the factory system perfected, must, whether under socialistic or whatever political system, remain, until disintegration is the rule in society.

The feudal and slave systems had nothing in them from which society could draw the forces necessary to growth; on the contrary, they reflected the most depressing influences, and were actually the allies of retrogression.

The domestic system, which claims the 18th century almost entirely, was woven into the two systems which existed before and came after it; in fact, it has not yet disappeared.

It is simple fact, however, when we say that the factory system set aside the domestic system of industry; it is idyllic senti-

ment when we say that the domestic system surpassed the former, and nothing but sentiment.

There is something poetic in the idea of the weaver of old England, before the spinning machinery was invented, working at his loom in his cottage, with his family about him, some carding, others spinning the wool or the cotton for the weaver, and writers and speakers are constantly bewailing the departure of such scenes.

I am well aware that I speak against popular impression, and largely against popular sentiment when I assert that the factory system in every respect is vastly superior as an element in civilization to the domestic system which preceded it; that the social and moral influences of the present outshine the social and moral influences of the old. The hue and cry against the prevailing system has not been entirely genuine on either side of the Atlantic. Abuses have existed, great and abominable enough, but not equal to those which have existed in the imagination of men who would have us believe that virtue is something of the past.

The condition of the workers of society has never been the ideal condition, and the worker is too often the victim of the contemptible selfishness which tempts a man to commit the crime of robbing the operative of his just share in the results of his toil. The evils of the factory system are sufficient to call out all the sentiments of justice, and philanthropy, which enable us to deal with wrong and oppression; all this I do not dispute, but I claim that with all its faults and attendant evils the factory system is a vast improvement upon the domestic system of industry in almost every respect, not only with reference to the individual and the family, but to society and the state.

The usual mistake is to consider the factory system as the creator of evils, and not only evils, but of evil disposed persons. This can hardly be shown to be true, although it is that the system may congregate evils or evil disposed persons, and thus give the appearance of creating that which already existed.

It is difficult, I know, to establish close comparisons of the conditions under the two systems, because they are not often found to be contemporaneous; yet sufficient evidence will be adduced, I think, from a consideration of the features of the two, and which I am able to present, to establish the truth of my assertions.

Do not construe what I say against the domestic system of

industry as in the least antagonistic to the family, for I am one of those who believe that its integrity is the integrity of the nation; that the sacredness of its compacts is the sacredness and the preservation and the extension of the race; that the inviolability of its purity and its peace is the most emphatic source of anxiety of law-makers; and that any tendency, whether societary or political, towards its decay or even towards its disrespect, deserves the immediate condemnation and active opposition of all citizens as the leading cause of irreligion, and of national disintegration.

It should not be forgotten that "the term factory system, in technology, designates the combined operation of many orders of work-people . . in tending with assiduous skill a series of productive machines continually propelled by a central power. This definition includes such organizations as cotton-mills, flax-mills, silk and woolen-mills, and many other works; but it excludes those in which the mechanisms do not form a connected series, nor are dependent on one prime mover." It involves in its strictest sense "the idea of a vast automatum, composed of various mechanical and intellectual organs, acting in uninterrupted concert for the production of a common object, all of them being subordinated to a self-regulated moving force." [Dr. Ure, Phil. of Mfgs., p. 13.

So a factory becomes a scientific structure, its parts harmonious, the calculations requisite for their harmony involving the highest mathematical skill, and in the factory the operative is always the master of the machine and never the machine the master of the operative.

Under the domestic system of industry grew up that great pauper class in England, which was a disgrace to civilization. It was fed by the agricultural districts more than by those devoted to manufactures. It continued to grow until one-fourth of the annual budget was for the support of paupers. The evil became fixed upon the social life as one of its permanent phases. Legislation, philanthropy, charity, were utterly powerless in checking it, and it was not checked till the inventions in cotton manufactures came, since which events it has been on the decline, taking the decades together. The factory absorbed many who had been under public support; on the other hand it drew by the allurements of better wages, from the peasantry, and without any guaranties as to permanency or care as to moral responsibility, yet on the whole the state was benefited more than any class was injured.

The domestic laborers' home, instead of being the poetic one, was far from the character poetry has given it. Huddled together in what poetry calles a cottage, and history a hut, the weaver's family lived and worked, without comfort, conveniences, good food, good air, and without much intelligence. Drunkenness and theft of materials made each home the scene of crime and want and disorder. Superstition ruled and envy swayed the workers. If the members of a family endowed with more virtue and intelligence than the common herd, tried to so conduct themselves as to secure at least self-respect, they were either abused or ostracized by their neighbors. The ignorance under the old system added to the squalor of the homes under it, and what all these elements failed to produce in making the hut an actual den, was faithfully performed, in too many instances, by the swine of the family.

The home of the agricultural laborer was not much better, in fact in Great Britain and France he has been exceedingly successful in maintaining his ignorance and his degraded condition.

Sentiment has done much, as I have said, to create false impressions as to the two systems of labor. Goldsmith's Auburn, and Crabbe's Village, hardly reflect the truest picture of their country's home life.

The reports of the Poor Laws Commissioners of England are truer exponents of conditions, and show whether the town was, during the first fifty years of the new system, staining the country or the country the town. "From the documents published by these commissioners it appears that but for the renovating influence of her manufactures, England would have been overrun with the most ignorant and depraved of men to be met with where civilization has made much progress. It has been in the factory districts alone that the demoralizing agency of pauperism has been most effectually resisted, and a noble spirit of industry, enterprise and intelligence called forth." [Ure, 354.] Agriculturists gave children and youth no more than half the wages paid them in factories, while they filled the workhouses with the unemployed. Under the operation of the miserable poor laws which the domestic system fathered, the peasantry were penned up in close parishes, where they increased beyond the demand for their labor, and where the children were allowed to grow up in laziness and ignorance which unfitted them from ever becoming industrious men and women.

But in the chief manufacturing districts, while the condition of

the factory children became the subject of legislation for protection, their condition was one to be envied beside that of the children in mining and agricultural districts.

The spasmodic nature of work under the domestic system caused much disturbance, for hand working is always more or less discontinuous from the caprice of the operative, while much time must be lost in gathering and returning materials. For these and obvious reasons a hand-weaver could very seldom turn off in a week much more than one-half what his loom could produce if kept continuously in action during the working hours of the day, at the rate which the weaver in his working paroxysms impelled it. [Ure, 333.

The regular order maintained in the factory cures this evil of the old system and enables the operative to know with reasonable certainty the wages he is to receive at the next pay day. His life and habits become more orderly, and he finds, too, that as he has left the closeness of his home shop for the usually clean and well lighted factory, he imbibes more freely of the health-giving tonic of the atmosphere. It is commonly supposed that cotton factories are crowded with operatives. From the nature of things the spinning and weaving rooms cannot be crowded. The spinning mules, in their advancing and retreating locomotion must have five or six times the space to work in that the actual bulk of the mechanism requires, and where the machinery stands, the operative cannot. In the weaving rooms there can be no crowding of persons. During the agitation for factory legislation in the early part of this century, it was remarked before a committee of the House of Commons "that no part of a cotton-mill is one-tenth part as crowded, or the air in it one-tenth part as impure, as the House of Commons with a moderate attendance of members." [Ure, 402.] This is true to-day; the poorest factory in this country is as good a place to breathe in as Representatives Hall during sessions, or the ordinary school-room. In this respect the new system of labor far surpasses the old.

Bad air is one of the surest influences to intemperance, and it is clearly susceptible of proof that intemperance does not exist, and has not existed to such alarming degrees, under the new as under the old system; certainly the influence of bad air has not been as potent.

The regularity required in mills is such as to render persons who

are in the habit of getting intoxicated unfit to be employed there, and many manufacturers object to employing persons guilty of the vice; yet, notwithstanding all the efforts which have been made to stop the habit, the beer-drinking operatives of factory towns still constitute a most serious drawback to the success of industrial enterprises, but its effects are not so ruinous under the new as under the old system.

At Amiens, France, the two systems were in existence, side by side and in full force, in 1860, and are now to considerable extent. From the investigations of Reybaud, it is shown that the domestic system exists in the country around Amiens, while the factory system prevails in the city itself. The country workers have had a very bad reputation. The evil of intemperance is inveterate.

"The people living under the old system resisted improvement. They wished to live and die in the houses of their parents, and expressed no desire to leave them." The great mass of these workers were at home, even at a date as late as 1860, under a roof that was never abandoned. The investigation just referred to proves that the homes of the factory workers were incontestably better than those of the home workers, for they were free from the incumbrances and clogging influences which existed when the means and materials for manufacture disputed with the necessities of housekeeping for a great part of the room. This difference in the houses under the two systems is also the result of circumstances easily explained. The factory workers as a rule earn more than the home workers. By having fixed and regular hours they are kept from falling into habits of idleness. They know, to a centime, what they will have at the end of the week. Their dependence is their security. Their wages have the merit of steadiness. The condition of the home workers is precarious. Weeks and months pass at times and they out of work. Financial crises, derangements of commerce, change in fashion, all these affect them far more seriously than they do the factory people. Tomorrow is never sure with the workers under the domestic system, and privation in the future is always staring them in the face. All these bad conditions are aggravated by the serious intemperance of the home workers about Amiens.

There are no heads of establishments to influence these men; they occupy an independent and really an isolated position.

Under the factory system in France, intemperance is often dealt

with effectually, and the first honor belongs to the heads of the establishments. By concerted action, which should be taken for example, they closed their doors against those addicted to intemperance, and where drunkenness marked them as the ones to be excluded. Efforts were made to secure pledges and with success. Today drunkenness is not an obstacle to the success of manufacturing establishments, either in this country or in England.

In this country the proprietors of factories have taken a position in regard to intemperance, in many instances, which reflects the highest honor upon them. Many years ago at York Mills, in Maine, Mr. Samuel Batchelder, the agent, issued regulations prohibiting the use of intoxicants by the operatives. When his example is followed generally, we shall have less of the beer shop in factory towns.

The statistics of crime usually offer evidence of the tendencies of different classes in a community; in studying these statistics for large manufacturing centres in Great Britain, I have found that neither the criminal ranks nor the ranks of prostitution, are filled up from the factories. Much has been said about Manchester, Eng., and its "hoodlum" class cited as the operative population; nothing could be farther from the truth. It is the miserable hovel tenantry outside the factory workers which makes Manchester's criminal list so large.

The common mistake writers have made is in taking a place like Manchester by which to judge the factory system. Manchester is not purely a factory town. Visitors make the double blunder of believing that all its working classes belong to the factory population, and that all the misconduct they witness or hear about among females of the lower rank must be ascribed to the factory system. The testimony from a return from the penitentiary of Manchester, "proves how far the ranks of prostitution are recruited from factory girls, in proportion to other classes." This report stated that only eight out of fifty proceeded from factories, while twenty-nine out of fifty were from domestic service. [Taylor, 45.] I could quote many statistics upon kindred points. It is sufficient to know that the attempts made to support charges of the abundance of crime and prostitution in operative towns in England, by statistical tables, have all been based on the supposition that the great town nuisances are identical or connected with the factory system. My own inquiries and examination of criminal records disprove the common assumption.

What has been said is equally true of France. In one locality out of a criminal list of 4992, but 216 were workers in the textile factories. [Reybaud, 108, Cotton.

It is a fact that the factories in France are increasing in number, and consequently operatives are drawn into them. Now in this process of change from the old to the new industrial system which has been watched by careful investigators, the direct results are easily seen. If the factories have a bad influence on morals, crime should remain in proportion as the number of factory workers increased. The contrary, however, is the case; for, in the locality already alluded to, the criminal list in 1855 was 2214, while in 1859 it had, by steady reduction, fallen to 1654, and in a constantly-increasing factory population.

These facts are representative, not isolated, in their nature, and they prove conclusively the falsity of prevailing impressions; they are witnesses that the newer system, by securing more competency, fights bad instincts with the very best of weapons,—the interest of those it employs.

In great towns the factories have had to contend with all the nuisances which a rapid increase of population beyond the due limits of accommodation must necessarily produce. The only places where the factory system can be fairly tested on its own merits, are the small towns in which the factory makes the place. Oldham, England, is the true type, not Manchester.

Mr. N. W. Senior has given abundant evidence of the truth of these positions.

What is the truth as to wages? The vast influence of wages upon social life need not be considered here, but the question whether the factory system has increased them may be. I am constantly obliged, in my every day labors, to refute the assertion that wages under the factory system are growing lower and lower. The reverse is the truth, which is easily demonstrated; the progress of improvement in machinery may have reduced the price paid for a single article, yard, or pound of product, or for the services of a skilled and intelligent operative, but the same improvement has enabled the workman to produce in a greater proportion and always with a less expenditure of muscular labor and in less time, and it has enabled a low grade of labor to increase its earnings. At the same time, a greater number have been benefited, either in consumption or production by the improvement.

Experience has not only evolved but proven a law in this respect, which is, the more the factory system is perfected, the better will it reward those engaged in it, if not in increased wages to skill, certainly in higher wages to less skill. [Reybaud, Cotton, 19.

Better morals, better sanitary conditions, better health, better wages, these are the practical results of the factory system, as compared with that which preceded it, and the results of all these have been a keener intelligence. Under the domestic system there existed no common centres of thought and action. Religious bigotry has fought against the new order, because it tends to destroy the power of the church. Association kills such power in time. One of the chief causes of trouble in Ireland, outside land difficulties, is its individual system of labor which predominates. Fill Ireland with factories and her elevation is assured; indeed, the north of Ireland, with its linen factories, is prosperous today.

The factory brings mental friction, contact, which could not exist under the old system. Take our own factories in New England, today, fed as they are by French Canadian operatives; when they go back to their own land, as many do, they carry with them the results, whatever they are, of contact with a new system, and the effects of such contact will tell upon their children if not upon themselves. The factory brings progress and intelligence; it establishes at the centres, the public hall for the lyceum and the concert; and even literary institutions have been the result of the direct influence of the system.

Such things could not, in the nature of conditions, find a lodgement under the domestic system. It is in evidence that "the book-trade of Great Britain flourishes and fades with its manufactures in vital sympathy, while it is nearly indifferent to the good or bad state of its agriculture."

While the factory system is superior in almost every respect to the individual system, the former is not free from positive evils because human nature is not perfect. These evils are few compared to the magnitude of the benefits of the system, but they should be kept constantly in mind, that public sentiment may be strong enough some day to remove them, in fact, it is removing them.

Whatever there was that was good, in the old household plan of labor, so far as keeping the family together at all times and working under the care of the head, was temporarily lost when the

factory system took its place, in so far as the old workers entered the factories. This evil, like most others attendant upon the new order, has been greatly exaggerated. The workers under the old system, strenuously opposed the establishment of the new, and this led to the employment of great numbers of parish children, a feature of employment which was eagerly fostered by parish officers. Yet, while the working of young children in mills is something to be condemned in our own time, when it began it placed them in a far better condition than they had ever been in, or could have expected to be in, for it made them self-supporting.

The children have been excluded from the factories in all countries, gradually, till the laws of most States, European and American, prohibit their employment under fourteen years of age.

A great evil which even now attracts attention, and in our own country too, is the employment of married women. This occurs more generally with Irish and Canadian women, and too often is the result of the indolence or cupidity of the father. Employers have done much to check this evil, which is not so much an evil to the present as to the future generations. It is bad enough for the present. It robs the young of the care of their natural protectors, it demoralizes the older children, it makes home dreary, and robs it of its amenities. The factory mother's hours of labor in the mills are as long as those of others, and then comes the thousand and one duties of the home, in which although she may be aided by members of the family, there is little rest. No ten hour law can reach the overworked housewife in any walk of life, certainly not when she is a factory worker. Her employment in the mills is a crime to her offspring, and logically, a crime to the State, and the sooner law and sentiment make it impossible for her to stand at the loom, the sooner the character of mill operatives will be elevated. I count their employment with the consequent train of evils, the worst, and the very worst of the evils of a system which is the grandeur of the age, in an industrial point of view.

It is gratifying to know that in Massachusetts cotton mills only about eight per cent. of the females employed are married women. This is equally true of English factories, and I believe that in both countries the number is gradually decreasing. So, too, the number of operatives who live in individual homes is increasing.

The employment of children is an evil which has been stimulated as much by the actions of parents as by mill owners.

These evils, however, have been the result of development rather than of inauguration, and thus will disappear as education, in its broad sense, takes the place of ignorance.

ERRATUM.

On page 118, after the words "prohibit their employment under fourteen years of age," in the 13th line, add "except on condition of their attendance at school for a prescribed length of time."

to seek employment in the lowest grades of labor. Machinery is constantly elevating the grades of labor, and the laborer. The working of mines, even, is today an easy task compared to what it was a few years ago.

The workers themselves have much responsibility on their own shoulders, so far as the healthfulness or unhealthfulness of an occupation is concerned.

Let the children of factory-workers everywhere be educated in the rudiments of sanitary science, and then let law say that bad air shall be prohibited, and I believe the vexed temperance question will not trouble us to the extent it has. Drunkenness and intemperance are not the necessary accompanying evils of the factory system, and never have been; but wherever corporations furnish unhealthy home surroundings, there the evils of intemperance will be more or less felt in all the directions in which the results of rum find their wonderful ramifications.

The domestic system of labor could not deal with machinery; machinery really initiated the factory system; that is, the latter is the result of machinery. But machinery has done something more, —it has brought with it new phases of civilization, for while it means the factory system in one sense, it is the type and representative of the civilization of this period, because it embodies, so far as mechanics are concerned, the concentrated, clearly wrought out thought of the age. While books represent thought, machinery is the embodiment of thought.

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The evil effects of the kind of labor performed in mills, so far as health is concerned, have been considerable, while less than those attending the household system.

All employments have features not conducive to health. These features or conditions are incidental, and cannot be separated from the employment. In mining coal, for instance, the nature of the occupation is bad in nearly all respects; but coal must be had, and there is never any lack of miners. What, then, shall be done?

Operators are in duty bound, of course, to make all evils, whether incidental or artificial, as light as possible, and should introduce every improvement which will lighten the burden of any class who, by their mental incapacity or other causes, are content to seek employment in the lowest grades of labor. Machinery is constantly elevating the grades of labor, and the laborer. The working of mines, even, is today an easy task compared to what it was a few years ago.

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Industry and poverty are not hand-maidens, and as poverty is lessened good morals thrive. If labor, employment of the mind, is an essential to good morals, then the highest kind of employment, that requiring the most application and the best intellectual effort, means the best morals. This condition, I take courage to assert, is superinduced eventually by the factory system, for by it the operative is usually employed in a higher grade of labor than that which occupied him in his previous condition. For this reason the present system of productive industry is constantly narrowing the limits of the class that occupies the bottom step of social order.

One of the inevitable results of the factory is to enable men to secure a livelihood in less hours than of old; this is grand in itself, for as the time required to earn a living grows shorter, our civilization grows up.

That system which demands of a man all his time for the earning of mere subsistence is demoralizing in all respects.

"As to the abasement of intelligence which is said to follow in proportion as tasks are subdivided, it is a conjecture more than a truth shown by experience. This abasement is presumed, not proven. It would be necessary to prove, for example, that the hand weaver, who throws the shuttle and gives motion to the loom, is of a superior class to the machine weaver who assists, without coöperating, in this double movement. Those who really know the facts would have just the opposite opinion. Employing the muscles in several operations instead of one, has nothing in it to elevate the faculties,"* and this is all the opponents of machinery claim. In their "view, the most imperfect machines, those which require the most effort, are the ones which sharpen the intellectual faculties to the greatest degree. We can easily see where this argument would carry us if pushed to the end." *

"There is nothing in the working of machinery which, compared with the old methods, resembles an abasement of labor; the easing of the arm does not lead to an enfeeblement of the mind." *

The fact that the lowest grade of operatives can now be employed in mills, does not signify more ignorance, but, as I have said, a raising of the lowest to higher employments, and as the world progresses in its refinement, the lowest, which is high comparatively, seems all the lower. Society will bring all up, unless society is

* Cf. Reybaud.

compelled to take up what is called a simpler system of labor. We should not forget that growth in civilization means complication, not simplification, nor that the machine is the servant of the workman, and not his competitor.

It is obvious that the factory system has not affected society as badly as has been generally believed; and if it has, in its introduction, brought evils, it has done much to remove others. "The unheard of power it has given labor, the wealth that has sprung from it, are not the sole property of any class or body of men. They constitute a kind of common fund, which, though irregularly divided," as are all the gifts of nature to finite understandings, "ought at least to satisfy the material, and many of the moral wants of society." [Reybaud, Cotton, 22.

The softening of the misery caused by the change in systems has occurred, but in subtle ways. Transition stages are always harsh upon the generation that experiences them; the great point is that they should be productive of good results in the end.

The mind recoils at the contemplation of the conditions which the vast increase of population would have imposed without the factory system.

"It is a sad law, perhaps, but it is an invariable law, that industry, in its march, takes no account of the positions that it overturns, nor of the destinies that it modifies. We must keep step with its progress, or be left upon the road. It always accomplishes its work, which is to make better goods at a lower price, to supply more wants and also those of a better order, not with regard for any class, but having in view the whole human race. Industry is this, or it is not industry; true to its instincts it has no sentiment in it, unless it is for its own interest; and yet such is the harmony of things, when they are abandoned to their natural course, notwithstanding the selfishness of industry, directed to its own good, it turns finally to secure the good of all, and while requiring service for itself, it serves at the same time by virtue of its resources and its power." [Reybaud, Cotton, 13.

Recent writers, notwithstanding all the facts of history, find a solution for whatever difficulties result from the production of goods under the factory system, in the dispersion of congregated labor, and a return to simple methods when they would have the machines owned and manipulated as individual property, under individual enterprise; but it is safe to assert that "a people who

have once adopted the large system of production, are not likely to recede from it"; labor is more productive on the system of large industrial enterprises; the produce is greater in proportion to the labor employed; the same number of persons can be supported equally well with less toil and greater leisure; and in the moral aspect of the question, something better is aimed at as the good of industrial improvement, than to disperse the workers of society over the earth to be employed in pent up houses, and the sin-breeding small shops of another age, where there would be scarcely any community of interest, or necessary mental communion with other human beings. "If public spirit, generous sentiments, or true justice and equality are desired, association, not isolation of interests, is the school in which these excellences are nurtured." [Mills Pol. Ec., Vol. II., p. 351–2, 5th London Ed.

It is from such influences we discern the elevation of an increased proportion of working people from the position of unskilled to that of skilled laborers, and the opening of an adequate field of remunerative employment to women, two of the most important improvements which could be desired in the condition of the working classes. Since, therefore, the extension of the factory system tends strongly towards both these results, it may be considered as one of the features of the present age, which is the most favorable to their more permanent advancement. [Cf. Morrison, Lab. & Cap. 195.

It is also true that the factory system has stamped itself most emphatically upon the written law of all countries where it has taken root, as well as upon the social and moral laws which lie at the bottom of the forces which make written law what it is.

With the exception of laws relating to the purely commercial features of the factory system, the legislation which that system has produced has been stimulated by the evils which have grown with it.

It is the worst phases of society which gauge the legislation requisite for its protection. Laws other than those for the regulation of trade, and the protection of rights as to property, by definition of rights, are made for the restraint of the evil disposed, and do not disturb those whose motives and actions are right; so if it were not for the evils which creep into existence with every advance society makes, laws would remain unwritten, because not needed. We have a way of judging by the worst examples.

The social battles which men have fought have been among the severest for human rights, and they mark eras in social conditions as clearly as do field contests in which more human lives have been lost, perhaps, but in which no greater human interests have been involved.

At the time of the institution of the factory system, there was upon the statute books of England but few laws relating to master and man; those which did exist were largely of criminal bearing, establishing punishment for various short comings of the men, but with the coming of the new system, the evils of poor law abuses came into full view, and while pauper children were vastly better off in the factories than in the parish poorhouses, they attracted attention and became the subjects of parliamentary protection. For the first time, there appeared some of the consequences of congregated labor, or rather the effects of the congregation of one class of labor appeared. A whole generation of operatives were growing up under conditions of comparative physical degeneracy, of mental ignorance and moral corruption, all of which existed before, but which the factory system brought into strong light.

And now the great question began to be asked, "Has the nation any right to interfere? Shall society suffer that individuals may profit?" Shall the next and succeeding generations be weakened morally and intellectually that estates may be enlarged?

These questions forced themselves upon the public mind, and the fact that pauper apprentices might be better off under such apprenticeship than in the workhouse could have no weight under the influence of the great religious and moral waves which swept over England in the last quarter of the last century.

The result was the factory Act of Sir Robert Peel, 1802. While this Act was of no great value to the operatives, it was of the greatest value to the world, for it made the assertion, which has never been retracted, that the nation did have the right to check not only open evils, but those which grow individually, through the nature of employment.

As legislation progressed in England, the education of factory children was provided for; so through the factory came public education in England.

The greatest poverty and ignorance prevailed in the agricultural and mining districts of England, and after the reports of the Poor Law Commissioners had exposed the demoralizing results of the

want of education in the agricultural hamlets, it was really a piece of singular effrontery on the part of the legislators to accuse the manufacturers of being the main authors of the miserable state of affairs found among the tillers of the soil, and to require the employers of factory labor, under heavy penalties, to be responsible for the education of all juvenile operatives whom they employed. Until a recent date, law has insisted upon the education of factory children only, so far as England is concerned, and, whether from good or bad motives in the framers of such laws, the factory system has been made the central point upon which popular education in England has turned; and this accounts, in a large degree, for the superior intelligence of the factory population of that country, when compared with those engaged in agriculture. In this very direction the influences of the new order of industry upon legislation is clearly marked.

After 1847 the provisions of factory Acts were extended first to one industry and then another, until now they comprehend very many of the leading lines of production.

It should be remembered that the abuses which crept into the system in England never existed in this country in any such degree as we know they did in the old country. Yet there are few States in America where manufactures predominate, or hold an important position, that law has not stepped in and restricted either the hours of labor or the conditions of labor, or insisted upon the education of factory children, although the laws are usually silent as to children of agricultural laborers.

Factory legislation in England, as elsewhere, has had for its chief object the regulation of the labor of children and women; but its scope has constantly increased, by successive and progressive amendments, until it has attempted to secure the physical and moral well-being of the workman in all trades, and to give him every condition of salubrity and of personal safety in the workshops.

The excellent effect of factory legislation has been made manifest throughout the whole of Great Britain. "Physically, the factory child can bear fair comparison with the child brought up in the fields," and intellectually, progress is far greater with the former than with the latter. Public opinion struck by these results has demanded the extension of protective measures for children to every kind of industrial labor, until Parliament has brought under the influences of factory laws the most powerful industries.

The conditions belonging to the factory system are constantly forcing themselves into view as the levers which overturn old notions and establish precedents at variance with the opinion of judges, as is seen in the new British legislation as to the liability of employers for damages resulting from accidents.

In contemplating the future of the factory system we see the force of Carlyle's words, "Captains of Industry are the true fighters, henceforth recognizable, as the only true ones: Fighters against chaos, necessity and the Devils and Jötuns; and lead on mankind in that great, and alone true, and universal warfare. . . . Let the Captains of Industry retire into their own hearts, and ask solemnly, If there is nothing but vulturous hunger, for fine wines, valet reputation and gilt carriages, discoverable there"? . . . "Thou who feelest aught of . . a God-like stirring in thee, any faintest intimation of it, as through heavy-laden dreams, follow it, I conjure thee. Arise, save thyself, be one of those that save thy country."

I wish this could be rung into the ears of the employers of labor everywhere, not but what thousands are hearing Carlyle's cry, and are following the "God-like stirring" in them, but too many are not.

The weal or woe of the operative population depends largely upon the temper in which the employers carry the responsibility entrusted to them. I know of no trust more sacred than that given into the hands of the Captains of Industry, for they deal with human beings in close relations; not through the media of speech or exhortation, but of positive association, and by this they can make or mar. Granted that the material is often poor, the intellects often dull; then all the more sacred the trust and all the greater the responsibility. The rich and powerful manufacturer with the adjuncts of education and good business training, holds in his hand something more than the means of subsistence for those he employs, he holds their moral well-being in his keeping, in so far as it is in his power to mould their morals. He is something more than a producer, he is an instrument of God for the upbuilding of the race.

This may sound like sentiment; I am willing to call it sentiment, but I know it means the best material prosperity, and that every employer who has been guided by such sentiments has been rewarded two fold, first, in witnessing the wonderful improvement of

his people, and second, in seeing his dividends increase, and the wages of the operatives increase with his dividends.

The factory system of the future will be run on this basis. The instances of such are multiplying rapidly now, and whenever it occurs, the system outstrips the pulpit in the actual work of the gospel, that is, in the work of humanity. It needs no gift of prophecy to foretell the future of a system which has in it more possibilities for good for the masses who must work for day wages, than any scheme which has yet been devised by philanthropy alone.

To make the system what it will be, the factory itself must be rebuilt, and so ordered in all its appointments that the great question for the labor reformer shall be, how to get people out of their homes and into the factory. The agitation of such a novel proposition will bring all the responsibility for bad conditions directly home to the individual, and then the law can handle the difficulty.

Let such men as the President of the Willimantic Linen Co., occupy the positions of control in our manufacturing companies, real Captains of Industry that they are, and whoever occupies the pulpits, such men will be the saviors of society.

With true men at the head of industrial enterprises; with a political economy which shall recognize the power of moral forces in the accumulation and distribution of wealth, modern productive industry will be not only the most powerful element in civilization, but, as Dr. Harris said at Concord, the other day, "a step in the problem of life." We recognize the truth which underlies this statement, as well as another of his, that "the central fact in civil society is the division of labor." I have considered the factory system, by the historic and comparative methods, as the supreme material result of the division of labor. The profound philosophy of the results of the division of labor, which involves, of course, the machinery question and the factory system, can receive but passing hints in a limited address. The subject is too rich, too vast, too important for more than suggestive treatment at this time.

II. THE LIFE OF THE EARLY MILL-GIRLS.

BY HARRIET HANSON ROBINSON, OF MALDEN, MASS.

"Work is no Disgrace."—*Hesiod, 859 B. C.*

The life of a people or of a class is best illustrated by its domestic scenes, or by character sketches of the men and women who form a part of it. The historian is a species of mental photographer; he can present views only of the life and times he attempts to portray. He can no more give the whole history of events than the artist or photographer can in detail bring a whole city into his picture. And so, in this brief record of a life that is past, I can give you but a few views of that long-ago faded landscape,—taken on the spot.

When I look back into the factory life of forty or forty-five years ago, I do not see what is called "a class" of young men and women going to and from their daily work, like so many ants that cannot be distinguished one from another,—I see them as individuals, with personalities of their own. This one has about her the atmosphere of her early home. That one is impelled by a strong and noble purpose. The other,—what she is, has been an influence for good to me and to all womankind.

Yet they were a class of factory operatives, and were spoken of (as the same class is spoken of now) as a set of persons who earned their daily bread, whose condition was fixed, and who must continue to spin and to weave to the end of their natural existence. Nothing but this was expected of them, and they were not supposed to be capable of social or mental improvement. That they could be educated and developed into something more than mere work-people, was an idea that had not yet entered the public mind. So little does one class of persons really know about the thoughts and aspirations of another. It was the good fortune of these early mill-girls to teach the people that this sort of labor is not degrading. That the operative is not only "capable of virtue," but also capable of self-cultivation.

In what follows, I shall confine myself to a description of factory life in Lowell, Massachusetts, from 1832 to 1848, since, with that phase of Early Factory Labor in New England, I am the most familiar,—because I was a part of it.

In 1832, Lowell was little more than a factory village. Five

"corporations" were started, and the cotton mills belonging to them were building. Help was in great demand and stories were told all over the country of the new factory place, and the high wages that were offered to all classes of work-people; stories that reached the ears of mechanics' and farmers' sons and gave new life to lonely and dependent women in distant towns and farm-houses. Into this Yankee El Dorado these needy people began to pour by the various modes of travel known to those slow old days. The stage coach and the canal boat came every day, always filled with new recruits to the army of useful people. The mechanic and machinist came, each with his home-made chest of tools and his wife and little ones. The widow came with her little flock and her scanty housekeeping goods to open a boarding-house or variety store, and so provided a home for her fatherless children. Troops of young girls came from different parts of New England, and from Canada, and men were employed to collect them at so much a head, and deliver them at the factories.

A very curious sight these country girls presented to young eyes accustomed to a more modern style of things. When the large covered baggage wagon arrived in front of a "block on the corporation" they would descend from it, dressed in various and outlandish fashions (some of the dresses, perhaps, having served for *best* during two generations) and with their arms brimfull of bandboxes containing all their worldly goods. These country girls, as they were called, had queer names, which added to the singularity of their appearance. Samantha, Triphena, Plumy, Kezia, Aseneth, Elgardy, Leafy, Ruhamah, Lovey and Florilla were among them. They soon learned the ways of the new place to which they had come, and after paying for their transportation they used their earnings to re-dress themselves, and in a little while they were as stylish as the rest. Many of them were of good New England blood, and blood tells even in factory people.

At the time the Lowell cotton mills were started the caste of the factory girl was the lowest among the employments of women. In England and in France, particularly, great injustice had been done to her real character. She was represented as subjected to influences that must destroy her purity and self-respect. In the eyes of her overseer she was but a brute, a slave, to be beaten, pinched and pushed about. It was to overcome this prejudice that such high wages had been offered to women so that they might be in-

duced to become mill-girls, in spite of the opprobrium that still clung to this degrading occupation. At first only a few came; others followed, and in a short time the prejudice against factory labor wore away, and the Lowell mills became filled with blooming and energetic New England women. They were naturally intelligent, had mother wit, and they fell easily into the ways of their new life. They soon began to associate with those who formed the community in which they had come to live, and were invited to their houses. They went to the same church, and sometimes, perhaps, married into some of the best families. Or, if they returned to their secluded homes again, instead of being looked down upon as "factory-girls," by the squire or lawyer's family, they were more often welcomed, coming as they did from the metropolis, bringing new fashions, new books and new ideas with them.

The early mill-girls were of different ages. Some were not over ten years old; a few were in middle life, but the majority were between the ages of sixteen and twenty-five. The very young girls were called "doffers." They "doffed," or took off, the full bobbins from the spinning frames, and replaced them with empty ones. These mites worked about fifteen minutes every hour, and the rest of the time was their own. When the overseer was kind they were allowed to read, knit, or go outside the mill-yard to play. They were paid two dollars a week. The working hours of all these girls extended from five o'clock in the morning till seven in the evening, with one half-hour each, for breakfast and dinner. Even the "doffers" were forced to be on duty nearly fourteen hours a day. This was the greatest hardship in the lives of these children. Several years later a ten hour law was passed, but not until long after some of these little "doffers" were old enough to appear before the Legislative Committee on the subject, and plead, by their presence, for a reduction of the hours of labor.*

Those of the mill-girls who had homes generally worked from eight to ten months in the year; the rest of the time was spent with parents or friends. A few taught school during the summer months. Their life in the factory was made pleasant to them. In those days there was no need of advocating the doctrine of the

* In 1847, or about that date, on invitation of William Schouler, a member of the Legislature from Lowell, several mill-girls went before the Legislative Committee on the Hours of Labor, then sitting at the State House, to represent the interests of the Lowell operatives on this question.

proper relation between employer and employed. *Help was too valuable to be ill-treated.* If these early agents, or overseers, had been disposed to exercise undue authority, the moral strength of the operatives, and the fact that so many of them were women, would have prevented it. A certain agent of one of the first corporations in Lowell (an old sea captain), said to one of his boarding-house keepers: "I should like to rule my help as I used to rule my sailors, but so many of them are women I do not dare to do it."

Except in rare instances, the rights of the mill-girls were secure. They were subject to no extortion, and if they did extra work they were always paid in full. Their own account of labor done by the piece was always accepted. They kept the figures, and were paid accordingly. Though their hours of labor were long yet they were not overworked. They were obliged to tend no more looms and frames than they could easily take care of, and they had plenty of time to sit and rest. I have known a girl to sit twenty or thirty minutes at a time. They were not driven. They took their work-a-day life easy. They were treated with consideration by their employers, and there was a feeling of respectful equality between them. The most favored of the girls were sometimes invited to the houses of the dignitaries of the mill, and thus the line of social division was not rigidly maintained.

The agents and overseers were usually married men, with families of growing sons and daughters. They were members, and, sometimes, deacons of the church, and teachers in the same Sunday school with the girls employed under them. They were generally men of moral and temperate habits, and exercised a good influence over the help. The feeling that the agents and overseers took an interest in their welfare caused the girls, in turn, to feel an interest in the work for which their employers were responsible. The conscientious among them took as much pride in spinning a smooth thread, drawing in a perfect web, or in making good cloth, as they would have done if the material had been for their own wearing. And thus was practised, long before it was preached, that principle of true political economy,—the just relation, the mutual interest that ought to exist between employers and employed.

At first the mill-girls had but small chance to acquire book learning. But evening schools were soon established, and they were well filled with those who desired to continue their scant education,

or supplement what they had learned in the village school or academy. Here might often be seen a little girl of ten puzzling over her sums in Colburn's Arithmetic, and at her side another "girl" of fifty poring over a lesson in Pierpont's National Reader.*

Some of these evening schools were devoted entirely to one particular study. There was a geography school in which the lessons were repeated in unison in a monotonous, sing-song tone. There was also a school where those who fancied they had thoughts were taught by Newman's Rhetoric to express them in writing. In this school the relative position of the subject and the predicate in a sentence was not always well taught by the master; but never to mix a metaphor or to confuse a simile was a lesson he firmly fixed in the minds of his pupils.

Life in the boarding-houses was very agreeable. These houses belonged to the corporation, and were usually kept by widows (mothers of some of the mill-girls), who were often the friends and advisers of their boarders. Each house was a village or community of itself. There fifty or sixty young women from different parts of New England met and lived together. When not at their work, by natural selection, they sat in groups in their chambers, or in a corner of the large dining-room, busy at some agreeable employment. They wrote letters, read, studied or sewed, for, as a rule, they were their own seamstresses and dressmakers.

These boarding-houses were considered so attractive that strangers, by invitation, often came to look in upon them, and see for themselves how the mill-girls lived. Dickens, in his "American Notes," speaks with surprise of their home-life. He says: "There is a piano in a great many of the boarding-houses, and nearly all the young ladies subscribe to circulating libraries." There was a certain class feeling among these households; any advantage secured to one of the number was usually shared by others belonging to her set or group. Books were exchanged; letters from home were read, and "pieces," intended for the Improvement Circle were presented for friendly criticism. They stood by each other in the mills. When one wanted to be absent half a day, two or three others would tend an extra loom or frame apiece, so

* In 1836, or thereabouts, a law was made by several corporations which compelled every child under fourteen years of age, to go to school three months in the year. And then the little doffers (and I was one of them), had another chance to nibble at the root of knowledge.

that the absent one might not lose her pay. At this time the mule and spinning jenny had not been introduced, and two or three looms, or spinning frames, were as much as one girl was required to tend. More than that was considered "double work."

The society of each other was of great advantage to these girls. They discussed the books they read; debated religious and social questions; compared their thoughts and experiences, and advised and helped one another. And so their mental growth went on and they soon became educated, far beyond what their mothers or their grandmothers could have been. It may be well to mention here that there were a few of the mill-girls, who came to Lowell solely on account of the social or literary advantages to be found there. They lived in secluded parts of New England, where books were scarce, and there was no intelligent society. They had plentiful homes, and did not, perhaps, need the *money* they would earn, but they longed to see

> "This wonderful city of spindles and looms,
> And thousands of factory folks."

And the fame of the circulating libraries that were soon opened drew them and kept them there, when no other inducement would have been sufficient. I knew one who spent her winters in Lowell for this very purpose. She was addicted to novel-reading, and read from two to four volumes a week. While she was at her work in the mill, the children of the family where she boarded were allowed to read the books. It was as good as a fortune to them. For six and a quarter cents a week the novels of Richardson, Madame D'Arblay, Fielding and Smollett could be devoured by four hungry readers.

It is well to consider, for a moment, some of the characteristics of the early mill-girls. We have seen that they were necessarily industrious. They were also frugal and saving. It was their custom the first of every month, after paying their board bill ($1.25 a week), to put their wages in the savings bank. There the money staid, on interest, until they withdrew it, to carry home, or to use for a special purpose. In 1843 over one-half of the depositors in the Lowell Institution for Savings were mill-girls, and over one-third of the whole sum deposited belonged to them,—in round numbers $101,992. It is easy to see how much good such a sum as this would do in a rural community where money, as a means of ex-

change, had been scarce. Into the barren homes many of them had left, it went like a quiet stream, carrying with it beauty and refreshment. The mortgage was lifted from the homestead; the farmhouse was painted; the barn rebuilt; modern improvements were introduced into the mother's kitchen, and books and newspapers began to ornament the sitting-room table.

Young men and women who had spent their two or three years of probation in the Lowell mills, often returned to the old place, bought land, built their modest house, and became new and prosperous heads of families. Some of the mill-girls helped maintain widowed mothers, or drunken, incompetent or invalid fathers. Many of them educated the younger children of the family, and young men were sent to college with the money furnished by the untiring industry of their women relatives.

The most prevailing incentive to labor was to secure the means of education for some *male* member of the family. To make a *gentleman* of a brother or a son, to give him a college education, was the dominant thought in the minds of a great many of the better class of mill-girls. I have known more than one to give every cent of her wages, month after month, to a brother, that he might get the education necessary to enter some profession. I have known women to educate young men by their earnings, who were not sons or relatives. I have known a mother to work years in this way for her boy. There are many men now living who were helped to an education by the wages of the early mill-girls.

The average woman of forty years ago was very humble in her notions of the sphere of woman. What if she did hunger and thirst after knowledge? She could do nothing with it even if she could get it. So she made a *fetich* of some male relative, and gave him the mental food for which she herself was starving; and devoted all her energies towards helping him to become what she felt, under better conditions, she herself might have been. It was enough in those early days, to be the *mother* or *sister* of somebody. Women were almost as abject in this particular as the Thracian woman of old, who said:

> "I am not of the noble Grecian race,
> I'm poor Abrotonon, and born in Thrace;
> Let the Greek women scorn me, if they please,
> I was the mother of Themistocles."

The early mill-girls were religious by nature, and by their Puri-

tan inheritance. On entering the mill, each one was obliged to sign a "regulation paper," which required her to "attend regularly some place of public worship." They were of many creeds and beliefs. In one boarding-house, that I knew, there were girls belonging to eight different religious sects.

In 1843, there were in Lowell, fourteen regularly organized religious societies. Ten of these constituted a Sabbath School Union, which consisted of over five thousand scholars and teachers; three-fourths of the scholars, and a proportion of the teachers, were mill-girls. Once a year, every fourth of July, this Sabbath School Union, each section, or division, under its own sectarian banner, marched in procession to the grove on Chapel Hill, where a picnic was held, with lemonade, and long speeches by the ministers of the different churches. The mill-girls went regularly to meeting and Sabbath School, and every Sunday the streets of Lowell were alive with neatly-dressed young women, going or returning therefrom. Their fine appearance on the Sabbath was often spoken of by strangers visiting Lowell.

Dr. Scoresby, in his "American Factories and their Operatives," holds up the Lowell mill-girls as an example of neatness and good behavior to their sister operatives of Bradford, England. Indeed, it was a pretty sight to see so many wide-awake young girls, in the bloom of life, clad in their holiday dresses,

> "Whose delicate feet to the temple of God,
> Seemed to move as if wings had carried them there."

It is refreshing to remember their simplicity of dress; they wore no ruffles and very few ornaments. It is true that some of them had gold watches and gold pencils, but they were worn only on grand occasions. As a rule, the early mill-girls were not of that class that is said to be "always suffering for a breastpin." Though their dress was so simple and so plain, yet it was so fitting that they were often accused of looking like "ladies." And the complaint was sometimes made that no one could tell the difference in *church*, between the factory girls and the daughters of some of the first families in the city.

The morals of the early mill-girls were uniformly good. The regulation paper, before spoken of, required each one to be of good moral character, and if any one proved to be disreputable, she was at once "turned out of the mill." Their standard of behavior

was high, and the majority kept aloof from those who were suspected of wrong-doing. They had, perhaps, less temptation than the working girls of today. They were not required to dress beyond their means; and comfortable homes were provided, by their employers, where they could board cheaply. Their surroundings were pure, and the whole atmosphere of their boarding-houses was as refined as that of their own homes. They expected men to treat them with courtesy; they looked forward to becoming the wives of good men. Their attitude toward the other sex was that of the German fräulein, who said, "Treat every maiden with respect, for you do not know whose *wife* she will be."

The health of the early mill-girl was good. The regularity and simplicity of their lives and the plain and substantial food provided for them kept them free from illness. From their Puritan ancestry they had inherited sound bodies and a fair share of endurance. Fevers and similar diseases were rare among them, and they had no time to pet small ailments. The boarding-house mother was often both nurse and doctor, and so the physician's fee was saved. There was, at that time, but one *pathy* to be supported by the many diseases "that flesh is heir to."

This is but the brief story of the life of a class of common every-day work people; such as it was then, such as it might be today. The Lowell mill-girls were but a simple folk, living in Arcadian simplicity as was the fashion of the times. They earned their own bread, and often that of others. They eked out their scant education by their own efforts, and read such books as were found in the circulating libraries of the day. They mutually helped each other. They tried to be good, and to improve their minds. They were wholly untroubled by conventionalities or thoughts of class distinctions, dressing simply, since they had no time to waste on the entanglements of dress. Such were their lives. Undoubtedly there must have been another side of this picture, but I give the side I knew best—the bright side!

It now remains for me to speak of the intellectual tendencies of a portion of the early mill-girls. Their desire for self-improvement had been to a certain extent gratified, and they began to feel the benefit of the educational advantages which had been opened to them. They had attended lyceum lectures, learned what they could at the evening schools, and continued their studies during their yearly vacations, or while at their work in the mill. I have known

one girl to study Greek and Latin, and another algebra, while tending her work. Their labor was monotonous and done almost mechanically, but their thoughts were free, and they had ample time to digest what they learned, or think over what they had read. Some of these studious ones kept notebooks, with abstracts of their readings and studies, or jotted down what they were pleased to call their "thoughts." Many of the pieces that were printed in the *Lowell Offering*, were thought up amid the hum of the wheels, while the skilful fingers and well-trained eyes of the writers tended the loom or the frame. It was natural, that such a studious life as this should bear some fruit, and this leads me to speak of the *Lowell Offering*, just mentioned, a publication that may be called the natural outgrowth of the mental habit of the early mill-girls.

The first number of this unique magazine was issued in October, 1840, the last in December, 1849. There are seven volumes in all. The story of its publication is as follows: The Rev. Abel C. Thomas and the Rev. Thomas B. Thayer, pastors of the first and second Universalist Churches in Lowell, had established improvement circles composed of the young people belonging to their respective parishes. These meetings were largely made up of young men and women who worked in the mill. They were often asked to speak, but as they persistently declined, they were invited to write what they desired to say, and send it, to be read anonymously at the next meeting. Many of the young women complied with this request, but it is recorded that the young men were of "no great assistance." These written communications were so numerous that they very soon became the sole entertainment of what Mr. Thomas called "these intellectual banquets."

A selection from the budget of articles, read at these circles, was soon published by Mr. Thomas and Mr. Thayer in pamphlet form, and called the *Lowell Offering*. These gentlemen conducted the *Offering* two years, and then it passed into the hands of Miss Harriet Farley and Miss Harriot F. Curtis, both operatives in the Lowell mills. Under their joint editorship it lasted until it was discontinued for want of means, and, perhaps, new contributors. All the articles in the *Offering* were written by mill-girls. In speaking of this matter its first editor, Mr. Thomas, says: "Communications much amended in

process of training the writers were rigidly excluded from print, and such articles only were published as had been written by females employed in the mills." He continues, "and thus was published not only the first work written by factory girls, but also the first magazine or journal written exclusively by women in all the world."

The *Offering* was a small, thin magazine, with one column to the page. On the outside cover, in 1845, it had for a vignette, a young girl simply dressed, with feet visible and sleeves rolled up. She had a book in one hand and her shawl and bonnet were thrown over her arm. She was represented as standing in a very sentimental attitude, contemplating a bee-hive on her right hand. In the background, as if to shut them from her thoughts, was a row of factories. At first the motto was:

"The worm on the earth
May look up to the star."

This was rather an abject motto and was not suited to the independent spirit of most of the contributors, and a better one was soon adopted, from Gray, — the verse beginning:

"Full many a gem of purest ray serene."

It finally died under the motto:

"Is Saul also among the prophets?"

The *Lowell Offering* was welcomed with pleased surprise. It found subscribers all over the country. The *North American Review* endorsed it, and other leading magazines and journals spoke favorably of its contributions. It made its way into lonely villages and farmhouses and set the women to thinking, and thus added its little leaven of progressive thought to the times in which it lived. It found subscribers in England. Dickens read it and praised its writers. Harriet Martineau prompted a fine review of it in the *London Athenæum*, and a selection from its pages was published, under her direction, called "Mind Among the Spindles."

It is not necessary to speak here of the literary merits of the articles in the *Lowell Offering*. They are the crude attempts of those who were but children in literature, and the wonder is that what they wrote is half so good as it is. These factory-girl writers did not confine their talents within the pages of their own publication. A few of them wrote for the literary

newspapers and magazines. One sometimes filled the poet's corner in *Zion's Herald;* another took that envied place in the *Ladies' Casket;* a third, sent poetic effusions to the *Lowell Courier and Journal.** In 1848, eight books had been published, written by contributors to the *Lowell Offering*. These authors represent what may be called the poetic element of factory life. They were the ideal mill-girls; full of hopes, desires, aspirations; poets of the loom; spinners of verse; artists of factory life.

In order to show how far the influence of individuals belonging to such a class of work people may extend, it will be well to mention the after fate of some of the early mill-girls. One became an artist of note, another a poet of more than local fame, a third an inventor, a fourth the foremost advocate of woman's rights,—Susan B. Anthony. The first money she ever earned was in her father's cotton factory.† A fifth, the founder of a free public library in her native town.‡ A sixth went to Mexico as wife of a Major General in the army of that Republic. It is said that this officer was at one time acting President of the Republic, and that his factory-girl wife revelled for a space "in the halls of the Montezumas." A few became teachers, authors and missionaries. A great many married into the trades and professions. Some went West with their husbands, took up land, and did their part towards settling that vast region. A limited number married those who were afterwards doctors of divinity and members of congress. It may be said here that at one time the fame of the *Lowell Offering* caused the mill-girls to be considered very desirable for wives; and young men came from near and far to pick and choose for themselves, and generally with good success.

These women were all self-made in the truest sense, and it is well to mention their success in life, that others, who now earn their living at what is called, "ungenteel" employments, may see

* William Schouler, of the *Lowell Journal*, published the *Offering* in 1845, and his young sub-editor, William S. Robinson, afterwards well known by his *nom de plume* of "Warrington," wrote favorable notices of the magazine, and when he could do so, without letting "the editor step aside to make way for the friend," sometimes admitted its writers into the columns of that leading Whig newspaper. It may be added here, that this gentleman in his zeal for the writers of the *Lowell Offering*, went so far as to take one of the least known among them as his companion for life.

† In North Adams, Massachusetts.

‡ Sarah Shedd, of Washington, N. H.

that what one does is not of so much importance as what one is. I don't know why it should not be just as commendable for a woman who has risen to higher employments, to have been once a factory-girl, as it is for an ex-governor and major-general to have been a "bobbin-boy." A woman ought to be as proud of being self-made as a man, — not too proud, in a boasting way, but just proud enough to assert the fact in her life and in her works.

In this brief sketch of early factory life I have tried to show that it was the means of education to a large class of men and women, who, without the opportunity thus afforded, could not have become developed, and their influence on modern civilization would have been lost. In short, that New England itself, and perhaps the whole country, would not have been what it is today, but for the influence of these early cotton mills, managed as they were by an enlightened factory system. Hundreds on hundreds of unknown men and women who once earned their living in this way, have settled in different sections of the country. These old factory girls and old factory boys are to be found everywhere, in all classes and in all vocations, and they ought to be as proud of their dear old Alma Mater as the Harvard graduates are of their college.

It is often said that the life described cannot be repeated, and that the modern factory operative is not capable of such development. If this is a fact, may there not be a reason for it? The factory of today ought to be as much of a school to those who work there as it was to the operative of forty years ago. The class may be different, but the chances of education should correspond to its needs. The same results, perhaps, cannot be reached, because the children of New England ancestry had in them some germs of intellectual life. But is it not also possible that the children of the land of Thomas Moore, of Racine and of Goethe may be something more than mere clods? I do not despair of any class of artisans or operatives. There is among them all some germ of mental vigor, some higher idea of living, waiting for chance to grow. The same encouragement on the part of employers, the same desire to lift them to a higher level, would soon show what the present class of operatives is capable of.

The factory population of New England is made up largely of American born children of foreign parentage. As a rule, they are not under the control of the church of their parents, and they adopt the vices and follies, rather than the good habits of our

people. It is vital to the interests of the whole community, that this class should be kept under good moral influences; that it should have the sympathy, the help of employers. This class needs better homes than it finds in too many of our factory towns and cities. It needs a better social atmosphere. It needs to be lifted out of its mental squalor into a higher state of thought and of feeling.

If factory labor is not a means of education to the operative of today, it is because the employer does not do his duty. It is because he treats his work-people like machines, and forgets that they are struggling, hoping, despairing human beings. It is because, as he becomes rich, he cares less and less for the well-being of his poor, and beyond paying them their weekly wages, has no thought of their wants or their needs.

The manufacturing corporation, except in rare instances, no longer represents a protecting care, a parental influence over its operatives. It is too often a soulless organization, and its members forget that they are morally responsible for the souls and bodies, as well as the wages of those, whose labor is the source of their wealth. Is it not time that some of these Christian men and women, who gather their riches from the factories of the country, should begin to reflect that they do not discharge their whole duty to the operatives when they see that the monthly wages are paid? But that they are also responsible for their unlovely surroundings, for their barren and hopeless lives, and for the moral and physical destruction of their children.

Would it not be wise for such employers to consider, seriously, whether it is better to degrade this class of people to a level with the same class in England and France, or mix a better conscience with their capital, and so try to bring the "lost Eden" I have tried to describe, back into the life of the factory operative of to-day?

III. AMERICAN FACTORY LIFE—PAST, PRESENT AND FUTURE.

BY MISS LUCY LARCOM, OF BEVERLY, MASS.

The past has an interest of its own, but its chief value to us lies in its relation to the future. Progress being the natural order, every good thing makes us hope for a better. The history of American cotton manufactures has certainly been a record of external prosperity. Fortunes have been made, machinery has been improved, and employment has been given to vast numbers of people. Can progress also be traced in the condition and character of the toilers at factory labor? The material elements of civilization are not so important as the state of the human beings who make up a nationality. Persons are more than things. It is not impossible that much of our boasted advancement may be that of a railway train with its passengers left behind. If the painful pictures which have been given us of the tendencies observable in some of our large manufacturing cities are to be regarded as realities, another too familiar comparison suggests itself, that of the Juggernaut car. Mammon is an idol still worshipped; and he is as heedless now as in any former age, of the victims of whose souls he crushes. But there must be a brighter view for us, and better possibilities.

In comparing the past with the present, we may sum up what was best in the earlier life at Lowell, for so many years the representative manufacturing city of the United States. First, and last too, in importance, was the character of the toilers themselves. They were almost all New England women of an average much above mediocrity; intelligent, industrious, and conscientious. They were such young women as grow up everywhere around our country firesides, and in our village schools and academies. They were the daughters of the land, who have since become its mothers and teachers. Is there any large proportion of such women in our cotton mills now? And if not, why not?

The answer to these questions must follow a brief consideration of manufacturing life in its general traits, and in its earlier characteristics at Lowell.

A feature of the social life there, which must not be overlooked, was the great care for the morals of those employed, as shown by certain restrictions and regulations which grew, to a great extent,

out of the moral sentiment of the community itself. All the previous associations of the Lowell mill-girl required a high standard of personal character among the people where she lived and worked. Employers and employed sympathized entirely in this matter. The same may be said of the churches. While their influence for good cannot be overstated, while it is true that the city was fortunate in her first ministers, it is also true that because these girls were what they were, the Christian idea as to purity and rightness of life was a controlling power among the people. The churches were not only filled, but often almost entirely supported by those who worked in the mills. However tinged with doctrinal peculiarities, the various Christian organizations were in harmony as to deeper spiritual principles, and practical rules of living; and they formed centres around which these young girls grouped themselves for companionship and for general helpfulness. Intellectual tastes formed also a common ground on which they met, so that, for many years, Lowell was looked upon much in the light of a school for mental and moral development. In this way the gathering of so many young strangers together was an advantage, rather than the injury which might have been feared.

They were nearly all, as we have seen, girls who had grown up under the wholesome strictness of New England family ties, who naturally kept fresh around them the spirit of the homes from which they were only temporarily absent. The comparatively small number then employed in the mills must also be considered as a favorable circumstance. True, there were thousands at work, but there are tens of thousands now, and these larger numbers complicate the question as to the civilizing influence of factory labor.

The congregating of very great numbers of people at any occupation cannot be considered as altogether favorable to personal development. Even the public school has its questionable aspect, although the purpose of the institution, and the surveillance of committees and teachers are a protection. We instinctively feel that we were not made for a gregarious life; that something is lost by attrition with crowds. The necessity of mingling with a promiscuous throng was felt to be an evil, even in the days when one was sure of many pleasant companionships; an evil which was to be conquered, or turned into good by the resolute will of the individual. To hold faithfully to one's own distinct thought and purpose amid the confusions of a mixed multitude, is no easy thing. And self-

respect by no means implies lack of sympathy; by the value we attach to our own separate personality, the worth of other lives may fairly be measured. Emerson bids us think of every human being as an island; and the island-nature of which we are all conscious in ourselves is to be respected. Men and women cannot regard other men and women, whatever their condition, merely as "the masses," without doing themselves also a great wrong.

In the old times the girl of studious tastes felt most keenly the impossibility of secluding herself among her books during the few hours she could call her own; but the difficulty was sometimes obviated by associating herself with girls of similar tastes. The chances were often against her being able to do this; yet if she found herself, as she not unfrequently did, one of three or four very dissimilar occupants of a room, she could, perhaps, manage to keep one little corner by the window sacred to her own chair and table and small pile of books; for room-mates were, in the main, considerate of one another's wishes. But, alas for her when the spirit of re-arrangement, which is one of woman's household weaknesses, took possession of her companions, and she came in, some evening, to find a revolution in the furniture of their common sleeping apartment, by which her one nook of refuge had been obliterated, and herself left to the condition of an ejected tenant on the highway without a shelter for what she held most precious!

A petty trouble this may seem, but it was no less a trouble for being a little ludicrous. If she could laugh her annoyance away, so much the better for her! Yet it is a somewhat serious matter when one cannot find seclusion for thought, or reading, or study, at any hour of any day. The Lowell mill-girl, in her boarding-house, and at her work, we know, did find ways of conquering circumstances, either by ignoring them, or accommodating herself to them; but to do so must always have required force of character. A little space around us, a door that we can sometimes shut between ourselves and the world, is what stronger and weaker alike require for self-development.

The necessity for close and indiscriminate contact must, perhaps, always be one of the unmanageable difficulties in the way of factory toilers. In other respects, things are certainly easier for them now than in earlier times. There is more leisure, ten hours a day instead of thirteen or fourteen; wages are higher than formerly; and we hear of libraries and reading-rooms established purposely

for mill-people in some places. Judging the present by the past, and measuring improvement by opportunity, we should look for more cultivation among them, but the general report is, that the reverse is true. And the evident reason of the change is in the different sort of persons employed at that kind of labor now. They are mostly foreigners, from the lower stratifications of European society, without the tastes and aspirations which have always characterized our New Englanders.

We go back to the question, how it was that this change came about, and we find that it was inevitable. We do not like to say that it was inevitable from the very nature of factory labor, yet sometimes it seems so. A mill-girl among her spindles or shuttles, thirty or forty years ago, had not the slightest idea of always remaining there. When she went back to her country life and saw her daughters growing up around her in homes of their own, she did not expect them to go and toil in a mill as she had done. She had higher ambitions for them. She expected them to teach, or to take some other useful position in society; and she used the money she had earned in the factory to give them an education; or, if she was a woman of humbler desires, she laid it by for their dowry, against the time when they also should be mistress of their own households.

It would have been as unreasonable to think of New England women spending their whole lives at factory labor, as it would be to expect the students in a college to stay there always. Their work was not its own end; it was pursued for a purpose beyond itself; for an opening into freer life. It is true that some mill-girls have continued many years at Lowell, but usually those who have remained have taken some more responsible situation than that of daily labor; the care of a boarding-house, for instance. And it is also true that American girls still go to work in the mills, and are respectable and respected there; but the associations are far from agreeable, and other employments are preferred. Most of the work in factories is too mechanical to be really enjoyed by an intelligent person. And the stolid nature is in danger of becoming more stolid in tending machinery which requires little thought, and of which the operator comes to be regarded, and to regard himself, merely as an adjunct. So employed, the toiler's only hope of elevation is in keeping his mind above his work.

As we have seen, the bright New England mill-girls of a former generation did not undertake their toil for its own sake, or with

the intention of continuing at it for any long time. It was for the interest of employers to introduce laborers who would be more permanent. In this way a distinct manufacturing population has appeared in our larger cities; and it is from what these are and will be, that the influence of factories is hereafter to be judged. We have now not so much our own people as the undeveloped populations of Europe to deal with. We cannot expect of them the intellect, the morals, and the Christianity that pervaded our first manufacturing towns, and that made the atmosphere there as pure and sweet as a summer day among the White Hills; it is the factory people of the Old World who now fill our mills; it is, in effect, Great Britain's unanswered labor problem that is handed over to us to be solved.

No better standard of civilization than that of our forefathers has yet been set up; namely, the intelligence, the morals and humanity of the people themselves, of whatsoever sex, station, or occupation. And it follows that our foreign mill-laborers must be educated up to the idea of American citizenship, must learn to hold themselves responsible members of the nation which has adopted them, or that our manufacturing cities will eventually become as great a disgrace to us as England's are to her. Until these laborers see this for themselves, those who invite them hither must largely be responsible for them. The more ignorant must be dealt with patiently and steadily, as if they were children; and every opportunity for mental and moral cultivation must be placed within reach of all. Never, for a moment, can we allow in ourselves a feeling of contempt for them, as "the lower classes." Whether we will or not, they are to control, to a vast extent, the destinies of our country; they are to stand beside us, equal members of a Republic we love. One indispensable element of true civilization is a common regard for the interests of every person composing the community. If factory labor makes a person less manly or less womanly, it is not a civilized occupation. But it has been proved not to have that effect, necessarily; and it may nobly be made a life-occupation when he who pursues it sees it to be his best way of supporting himself and those dependent on him.

With the introduction of foreign laborers a new phase of life in our manufacturing towns has appeared; the tendency is to the employment of whole families in the mills. Here may be an advantage for the future. Families must have homes; and if they are so cared for as to be true homes, those who grow up in them

may find better opportunities for self-improvement than in boarding-houses. In its best days, the factory boarding-house was but a tent in the wilderness to the sojourning mill-girl, whence she looked with moist eyes to the home that awaited her in some rural Canaan beyond, her type of Heaven.

Whether in families or in boarding-houses, moral safeguards will always be necessary to the welfare of a floating population; and not least for the larger liberty of those who do not need them. Work, the mere use of the hands, as we all know, has in it no moral or progressive quality. Work is only great through the impulse that guides it, the motive in the worker's mind. The laborer must be greater than his occupation, or it will crush him. Work and money both find their only real value in lending power to manhood and womanhood, in strengthening the forces of humanity for good. The factory is a prison, if the toilers therein cannot find their way out of it, whenever that is their desire. Education is the laborer's right, and it is a key that opens many doors.

A modern writer has well said, with regard to liberal advantages of education for all: "It is obvious that the more any man knows of a great subject, the less likelihood there is of his continuing in the position of a weaver or a carpenter. Intellectual vitality signifies social elevation; and though some may be disposed to ask the grave question, 'How could society dispense with its weavers or carpenters?' yet our business relates primarily to the higher considerations, forasmuch as the *man* is of more importance than the *weaver*. When manhood rises, the industrial arts will feel the benefit of the elevation." It is persons who make a people; and if we are a humanely civilized people we shall so guard the occupations we offer our citizens, that, if we cannot make them intrinsically elevating, they shall, at least, not be de-humanizing. If any form of labor needful for the general comfort becomes so, it must be through the selfishness or neglect of those who control affairs. And we have no better lesson for the future than that which the past grew to vigorous health in learning; that a free nation can grow up only through free opportunities of self-development for its individual members; that high personal character only can ennoble labor; but that character can and does elevate labor of any kind; and that it is not so much by industries and products, as by the men and women who make their work honorable, that we are to estimate the value of our American civilization, and find our true place among the nations.

DEBATE ON FACTORY LABOR.

MR. KINGSBURY: In his introductory remarks before the Department of Education, on Tuesday, Dr. Harris made a generalization in regard to the intellectual effect of different kinds of employment upon the laborer, which is well worth recalling, and which agrees in general with the position taken by Mr. Wright in his essay. The doctor said that, in hand labor, in that minute division of labor by which one man becomes expert in doing a single thing, the tendency is to narrow the range of thought, and to weaken the mind, while in using machinery, where one machine is made to do the work of many hands, the care and superintendence of such a machine has a directly contrary effect, and the machine becomes a mind expander, and an intellectual educator to the person having it in charge. My personal experience in manufacturing has been mostly in connection with the manufacture of metallic goods, and in this department of the arts a great variety of ingenious machinery is used, and I am inclined to think that, for the reason which Dr. Harris has given, this class of workers in metals are, as a class, more intelligent than those employed in the simpler and more uniform processes of spinning and weaving; though even these have their advantages. And there can be no question of the superiority of the educational influence of a finished pin machine upon the man who manages it, over the occupation of winding wire to make pin heads. And it is just this sort of thing that, in Mr. Wright's view, distinguishes the factory system of labor from the isolated, individual home or shop labor of a previous era. Dr. Harris characterizes the one as analytic, the other as synthetic.

The establishment of the Messrs. Cheney, in South Manchester, Conn., where almost everything in the place is under the control of one establishment, has been spoken of approvingly. This is an interesting and wonderful establishment, and reflects great credit on its managers. But I doubt if it is in this way that on the whole the best results are likely to be obtained, and should regard it rather as an admirable exception than a model to be imitated, unless under exceptional circumstances. For, in the first place, as a rule, isolated establishments labor under very considerable disadvantages in the prosecution of their business. The best place to carry on any branch of manufacturing, is in a community where that business is already established and largely pursued. There is a great deal which is incidental to every such business that must be supplied from the outside, as, for example, suitable machinery, daily repairs of that machinery, chemicals, and other supplies, and one establishment can hardly furnish business to support these auxiliary needs, but a number will. Then, where a business is largely pursued, the whole community becomes to some degree

educated to it, insensibly, and a supply of partly trained workmen is thus always on hand to draw from, which will possess great advantages over those who begin in a state of entire ignorance. Furthermore, while in the matter of the control of the liquor traffic, and in some, perhaps all, other matters which belong to the domain of general police, the isolated factory village, owned and controlled by one establishment, has very great advantages. I am inclined to think they are overbalanced by others which belong to the aggregated community system.

It is important, above all things, that our operative should be a man and a citizen, bearing his proportion of the burdens, feeling his due weight of responsibility; with this in view, I regard it as of inestimable advantage that he be the owner of his own home. There is nothing like it as a promoter of order, of self-respect, of freedom from labor troubles, and of general character. But I must not pursue this subject too far. I would like to show you some streets of houses in my own town, all owned and occupied by our workmen, all tasteful, comfortable homes. It would explain what I mean better than anything which I can say.

IV. TEN HOURS.*

BY REV. J. H. JONES, OF NORTH ABINGTON, MASS.

The factory system has come to mankind to stay. This is now said on every hand. It has become so woven into the web of modern society that it cannot be drawn out without destroying that web. Unknown in the world until about a century ago, it is to be, for good or for il, an integral part of human life on the earth from henceforth, so far as we can take any sens of that life. And whatever we would do to better the lot of men, we must do with that system in. The betterment of society is not in any wise to be gaind by removing that system.

The law of all helthful progres is to work thru that which exists up to that which is better; and this law we endevor faithfuly to observ. Now of that portion of the factory system which is specialy concernd with the manufacture of textil fabrics, one of the primary facts is that quite the larger part of the operativs, from three-fifths to three-fourths, ar women and minors under eighteen years of age, and the drive in that direction increases. Concerning these women and minors, a further fact is that they ar most sensitiv to those conditions which make for human welfare or ilfare; and hence, human society is most deeply affected thru them. No questions, therfor, are more directly within our province than those which ask what effects the factory system produces on this largest portion of the help, who ar essential to its existence, and what may be done to improve their condition under the system?

Now right on the face of the history of the system in this country, another fact appears, which wil not be questiond, I think, by any. The factory system, constantly tends to work out the better clases of persons from among the operativs, and to work in those of inferior grade. The evidences of this are too manifold and familiar to need mention. That system has lowerd the level of New England society more degrees than it can recover in generations. With al our strength, we desire to effect that recovery, and we ar seeking the way thereunto.

* The writer has endevord to conform the speling of this article, with some exceptions, to the "Ten Rules of the Speling Reform Association," recently promulgated.

There is a third fact, which I feel sure also wil not be questiond by any; which is, that hours of labor beyond a certain limit, ar too long, that when this limit is past, labor becomes exhausting toil, and that it thereby deteriorates the bodily condition, lowers the moral tone, and debases the whole being. It is essential, therfore, to the elevation of the factory operativs, that the day's labor should be short enuf, and the hours few enuf, so that time and strength may be left for the elevating forces to hav fit opportunity to work.

In view of these facts, the practical question would seem to be plainly this: —

What is that which can now be done by society for the factory operativs, by way of modifying the conditions of their labor, which being done wil thru its natural working help to improve them in their very selves, and elevate them in the scale of human existence?

And to this question, I reply without hesitation, that a reduction of the hours of labor to ten, in all those districts where more hours prevail, is the greatest improvement in the conditions of their labor, which society can now make for the factory operativs of the land. Let me present certain considerations which especialy move me to this view.

The primal law of all righteous society is that it shal be such in its shape and structure as wil naturaly tend to work out the welfare of all who compose it; and this welfare not merely in the bodily or animal range, but also in the highest or spiritual range. The aim for this constitutes the essential life of both Christianity and humanity; and the noblest hopes and aspirations of modern society drive toward this result with a power and directnes never known among men before. By those, therfore, who hav the true welfare of mankind at heart, no system of society can be accepted which is seen to work at any point agenst the welfare of those who compose it; but they must require that the system be reshaped and modified, until it not only does not work agenst, but does work for that true welfare.

The primal law of a righteous society is ethical not economic, is moral, not financial; and while the economic law and the financial condition cannot be disregarded, while indeed they must be obeyed, nevertheles, the moral law must ever dominate, and the economic law may hav way only in subordination to the moral. For in-

dustrial succes thru the reign of economic law in disregard of moral law, is the rotennes of Babylon and Tyre, of Carthage and of Rome. Our work as an asociation, if I understand it aright, is to set moral law above economic law, is to set the two laws together in their proper proportions and relations, and to show how they can be made to work together in harmony, with both completely effectiv. In this work, we seek the welfare of mankind, and to that end, I wil endevor to show why the next step which society should take in behalf of the factory operativs should be to establish ten hours.

The problem of civilization is to produce a race of ideal human beings. Every human being comes at a cost; and, as a rule, the better the grade of the beings, the higher their cost, while the cheaper their cost the lower their grade. Low wages mean cheap men, and cheap men mean a low civilization; and the lowering of wages when it becomes permanent, means the sliding of society down the way of decay to extinction. Higher wages mean costlier men, and costlier men mean a higher civilization. And a permanent raising of wages means the elevation of the whole of society in all the nobilities of life. But the costlier men, and therfore of better grade, must come first, for civilization is produced by men, and then the higher wages wil follow. How shal the better grade of men be obtaind?

Better men, better women, better human beings, these can only come thru better conditions. Environment, within certain limits, is an adamantine wall set about the soul of a man, which he cannot pas, and to which his soul must shape itself, whether it wil or no. And the adamantine environment of the stone wall of a factory cramps and dwarfs with pitiles hurt the tenderer souls of women and children, much more than those of men; and the "les hours" they ar within that environment, the les is the hurt. Therfore, one of the most essential better conditions which must be provided, if a higher civilization is to arise, is "les hours" in each day's labor for those women and children; and the "les hours" which we ask, are ten hours, instead of the eleven, eleven and a half, and twelve hours a day, which ar workt in most mils outside of Massachusetts.

But a higher civilization always means and requires the possession by those who work of a greater amount, and a more equal proportion of this world's goods. Now the grain of human nature

is such that men cannot hav of this world's goods more than they can seize and hold. The power to seize and hold depends at bottom on moral strength. Long hours of manual labor wear out the life and waste the moral strength of the laborer; and agenst this destructiv effect not even the highest religions influences which they can receive can protect the average human. The reservoir of life must be kept fild to the brim, if one is to float stedily in the higher ranges of the human faculties. But long hours of bodily toil draw that life down at times, even to the bottom, and the toilers sink into their lowest brute impulses. Only thru "les hours" of daily toil can mankind rise and dwel in their higher humanhood, and aequire sufficient strength to seize and hold that larger share of the world's welth, which is justly theirs. "Les hours," better humanhood, higher wages, — this is God's straight and narrow, economic way to the heven of human nobility, dweling in the midst of universal and everlasting abundance. But the case may be presented in another light, as follows: —

To produce ideal human beings is one end for which society exists. Perfected humanity made a reality in every human on the globe; this is the aim and hope of the best of mankind today. But in rising toward that perfected humanity, culture is essential. Culture is the bringing of what is highest and finest in the favord ones of men to bear upon mankind, to make every individual finer in grain and higher in grade.

Now, just as a garden cannot be brought under culture without time and strength ar taken for that work, so much more, human beings cannot be. Moreover, a certain spring and strength of vitality must be in the persons for the culture to work in effectively; and this spring and strength of life can be in them only as it is saved out of the hours in which they toil to get their daily bred. And to me it apears certain that when women and children toil eleven hours or more a day in a factory, they hav, as a clas, no strength left for the higher uses of culture, refinement, and elevation. How shal culture be made a reality for those women and children?

The true ideal of society is that in which all who labor have culture, and all who hav culture labor. For the man is better off, and society is better off when each person of finest quality shares somewhat in the coarser forms of toil, while each one who must needs be a mere laborer livs alike with all others in the atmos-

fere of the finest influences there ar; just as all flowers grow up into the same air, and sunshine and rain. This ideal of society was mesurably ilustrated in the Middle Ages, when the arehiteets and sculptors of the great Gothic eathedrals wrought side by side with artisans of every grade, sharing the toil and rough-handednes with the humblest laborers.

To help soeiety rise toward this ideal, the number of those who eombine in themselvs both labor and culture, must needs be made and kept as large as possible. Every person is eapable of culture, needs culture, and therfore has the right to eulture, eaeh in their degree, so far as the conditions of eulture ean be produced and sustaind by soeiety; and that right does not end, when one leavs the eommon sehool. Rather, what soeiety is for, in part, is to provide the best conditions of eulture it can for all its members thruout the whole of their lives.

To acquire culture requires time and strength, and is next in importance after a living. Indeed, a living loses half its value, when it ean only be gotten under conditions whieh shut out the use of that living in developing the higher side of our nature. But to the average human, working eleven hours or more, shut up in the barrak walls of a factory, culture is impossible. So toiling, they ean hav, as a clas, neither the strength nor disposition to aequire it. Born as they ar, and must be, under the present conditions of society, they eannot even try to better themselves, for they hav not strength enough, nay, in many eases, they eannot wish to try. And the reason is, that eleven or more hours a day of labor has taken the vitality right out of them, so that they are made ineapable of the needful effort.

Therfore, the very first and least step which can be taken on the way to a higher human eondition is to reduee the hours of labor everywhere to ten. And most of all, is this needful for the weakest and tenderest clas of all, the women and minors. Ten hours for a day's work and no more, — this is the one good which can be done, which wil lighten every burden; and is of far more value than any practicable increas of wages can be.

But it may be that some manager of a mil, wil say (human nature being what it is), that it is no part of his busines to help produce a raee of ideal human beings; that it is his busines to make his mil pay as large dividends as he can; that what he has to do with the help is to work them, paying them ful market wages

promptly, and giving to every one his due; but that when they hav past out of the factory gate, they ar nothing more to him than any body else, and there is no reason why they should be, and that such talk as the above is all vapor. To such an one, I would reply that his view, however in harmony with busines on the street, has no God, nor Bible, nor Saviour, nor sweetnes and light, nor human brotherhood in it, and is in harsh discord with the highest aspirations of the race. Such a view is fit only for the kingdom of Mammon. It is paganism in practical life, and wil be surely condemd at the bar of the hart of Christendom in this last quarter of the 19th century. But in that kingdom of righteousnes, which is now coming down on the erth, and having more and more sway among men, the primary end of a cotton mil wil be to provide a means of support for those who work in it, under those conditions which shal be found most favorable for the growth of each individual, and of the whole community together, toward the ideal state of likenes to Jesus Christ. And the first and most important step that can now be taken in forming over society in that direction is to make ten hours the day's work for the women and children in all our factories.

But some one wil say that we ar singing a siren's song, and sailing in a baloon. We know that it is not so. We know that we ar singing a true profet's song, and walking on solid reality. Alredy has what we seek begun to apear in gladnes and beuty on the erth. Alredy does it hav a habitation and a name, and giv promis of the greater good that is coming. The name is South Manchester, Connecticut, and the habitation is the village there planted. That is the brightest and most blessed spot these eyes hav seen in all the factory districts of the land, and the primal condition which makes the lovlines of this sweet oasis possible, in the midst of the drear desolation of toil of an eleven and twelve hour State, is *Ten Hours*. And the most hartful, hopeful, joyful work which can be done today for the factory operativs, is to set about turning every factory village into a South Manchester, Connecticut.

Why we ar so strenuous, for Ten Hours, as the one first step which should now be taken for the benefit of the women and youth among the operativs, wil further apear when we point out certain distinct destructiv effects of more hours. We ar aware that we can giv only general impressions, for statistics, so far as we

know, do not exist. But we shal endevor, in our statements, not to go beyond what a candid survey would fairly warrant. As we understand it, then, a work-day of eleven or more hours in a factory is deleterious in its effects upon women, and minors under eighteen years of age, in the following particulars:

It deteriorates the parental power of women (and much more of girls who ar to become women), so that they bear offspring which are few, weakend and short-lived, while to some extent the power itself is destroyd.

It saps the fountains of life in youth at the tender age of about fourteen, when they ar peculiarly sensitiv to influences which affect their vitality; so that it tends to make them weak and puny, and to cut off their lives early. What discussion, what resolution, what ernest action do we see in behalf of our school children, that the school-rooms should be high and wel ventilated; and yet the children are to be in them but about five hours and a half a day, five days in the week, forty weeks in the year, altogether. Nevertheles, all this effort put forth for them deserves our applause. But if the air of a school-room becomes so easily unfit to be breathed, and the youth who attend ar so liable to be injured by it, tho they ar in it comparativly so short a time, what ought we not to say and to do in behalf of those youth who ar compeld to work twice five hours and a half a day, and even more, six days in the week, fifty-two weeks in the year, in the stifling air of a cotton or woolen mil, fild with the fine, injurious dust. Double twice all the urgency that ever has been manifested for our school children, and you wil only begin at what ought to be done for our youth in the cotton mils; and the first of all wise doings for their good is, to shorten the day to ten hours.

Again, eleven hours or more of work a day in a factory exhausts in a measure the vitality, and wears out the life of the operativs; so that while they liv they liv in a low vital condition, and when they die, many, at least, die before their time. In short, eleven hours or more is *overwork*, and overwork, which so wears out the ranks of the operativs, that wer they not recruited from without, from among those who have grown up under more favorable conditions, they would, in a few generations become wel nigh extinct.

And finaly, this exhaustion of the vital forces, lowers the whole moral tone, debases the entire being, and makes a high level of morality impossible. The mule spinner, overworkt and exhausted,

drinks because he is overworkt and exhausted; and the back-boy that works with him becomes a spinner, and follows right after in his steps. The weaver-girl, overworkt and exhausted, is slatternly in her dres and wasteful in her ways, because she is too weary to do better. And so it is thruout the round of the operativs.

For these effects individuals ar not to blame. The effects ar those of the system, and cannot be much ameliorated by any efforts for relief which kind-harted people may make, *except one*. If the kind-harted wil unite, and persuade the managers to cut off the last hour, or more as is needed, and shorten the day to *Ten Hours*, by this they wil work a relief that wil be effectiv, permanent and the caus of great joy. For be it known to all, that the golden song of all factory operativs is Ten Hours, and that to obtain this is to obtain the greatest good, which society can now confer upon them.

But some persons wil say, and speak honestly in saying it, that eleven hours is not overwork, and demand the evidence. For a few, rare, exceptional, vigorous, hardend, vital men it is not. But cast iron men do not count, in such a question as we ar considering. Here, they who ar to be chiefly counted ar the *women* and *children*, the *poor* and *tender* and *weak*, those who hav the least power to endure hardnes and strain. Concerning these it is that we hav to judge; and as we hav no statistics, it certainly is fitting to take some account of what they themselvs, and those nearest them think. Speaking from some observation, I do not believe a woman can be found, who is working the day of eleven or more hours, but will say, it is overwork; nor one who is observing any kinswomen or children so working, but wil say the same. In fine, I believe it to be the universal conviction of all among the operativs themselvs, who are mature enuf to hav any opinion on the subject, that eleven hours or more a day is not only overwork, but such overwork as wears many out long before their time.

In support of this belief, I quote the following statements of operativs, as found on page 202 of the Report of the Massachusetts Bureau of Statistics of Labor for the current year.

One operativ says, "If a child of a certain age goes to work in the mil, constantly breathing a temperature of 90° both winter and summer, it is sure to grow up puny, and die early. I get so exhausted, that I can scarcely drag myself home when night

comes." Another says "that he had seen children in the mil who claimd to be fourteen years of age, but who wer very small for their age;" and "that children put into the mils at this age often become useles when they reach their twentieth year." Yet another says: "One of the evils existing in this city is the gradual extinction of the male operativ. The female operativ has the preference." The last testimony shows the drive of the whole system, and that the need to protect the women and children stedily increases. This general conviction of the operativs themselvs, as to the distructiv effects of eleven or more hours of labor in factories, seems to me a great fact which ought to be decisiv for "les hours" until clear evidence shal be brought agenst it.

There is one further fact concerning our factory system, bearing on this question, which is not, I think, generaly realized, but which seems peculiarly fitted to move the hart of every man who has a hart, in favor of Ten Hours. It is this:

Wherever men wholy or chiefly work, in machine shop and foundry, in capenter and cabinet shop, in boot and shoe factory, in every place where the strong, the masters, the voters labor, there, with few exceptions, the hours ar but ten. But in those factories where the chief part of the help ar women and children, where the weak, the defenceles, those with scarce even a cry, ar the toilers, there the hours ar eleven or more, and even in some cases twelve. The men, the very fountain of force and vigor, begin their work in the morning at 7 o'clock; but the women and children, the helples ones, who can only toil and bear and die, they wer driven in thru the gates to their tasks a half an hour before. Noon comes and the men, for the most part, hav a ful hour for dinner and rest, while the women and children ar cut down to three-quarters or two-thirds of an hour, sometimes to but five minutes over half an hour. At length evening draws on, and at six the men start for home, their tasks all ended; but it must be half-past six or even later before the women and children ar permited to breathe free air and set out to reach the place where they can begin to taste their evening meal, while the men hav alredy finisht theirs. This is no fancy skech. In one village may it be seen all-together, in mils standing side by side, and belonging to the same owners. And I learnd it on the ground from the operativs themselvs. But that village only shows it all on one spot. The same thing is true over the whole land, except that the mils stand in different places, insted of in the same place.

Is manhood ded in the harts of our great mil managers, that they ean bind the heviest burdens on those least able to bear them, ean lay a whole hour or more a day, three hundred days in the year, upon the weakest of the toilers, when they could make just as much profit out of their mils every year without that hour? If ever there was a knightly deed to be done worthy the brightest days of chivalry, it is to break off the yoke of that eleventh hour from the neek of the patient matrons, and timorsome maidens, and paling children, who toil and fade and leave no sign. And this leads us to the final point in our argument.

What is eertainly the chief obstaele to a universal reduetion of hours to ten, and is deemed insuperable by some, is the belief that under ten hours their mils cannot be made to pay. As they would state the ease, it now takes the whole work of the mils for ten hours and often more, to pay expenses, and all the profit they do or ean make is in the eleventh hour. Therfore, to eut off that hour would be to eut off all their profit, and force them to run at least without profit, and most of the time at a los, or shut down altogether. The statement is indeed plausible, and seems eomplete and eonelusiv. Nevertheles it has no foundation. It is a mirage. Let us take a survey of the whole field and see.

The great factories of Massaehusetts ar running but ten hours. Some of them voluntarily establisht the ten hour day before the ten hour law was past, eight years ago; and they are stil running, and they do declare dividends. Now, not one of the managers of the great mils outside of Massaehusetts would admit that they wer inferior in capacity to those in that State. Then they can make their mils pay on a ten hour basis, just as wel as the others now do on that basis.

To explain the sueees of the ten hour mils, it is claimd by some that as much product ean be obtaind in ten as in eleven hours. Without discusing this question, one or two faets may be stated. In eases of a reduetion of hours from thirteen to twelve or eleven, there has been a markt increas in the product; as in the ease of a mil some fifteen years or more ago, which was runing thirteen hours a day and making 90,000 yards of print eloth a week, and which a man took, reduced the time to eleven hours a day, and raisd the produet to 120,000 yards a week, with the same machinery and help. It is now generaly tho not universaly admited, that an eleven hour mil is more profitable than one that

runs longer. But when the question comes of reducing the hours to ten, there is the very wide spred feeling that most mils, and especialy those which make print cloth, cannot be made to produce as much. And from considerable investigation I am convinced that the eleventh hour is the border land of maximum product.

Nevertheles there was more wisdom than is often packt in so few words, in the saying of a great manufaeturer, who runs his factory but ten hours in an eleven hour State, and with signal succes: "Good management is more than the eleventh hour." And it may wel be added, The help ean endure better the strain of thoro disciplin in a ten hour day, than in one of eleven hours.

But the great and conclusiv position in favor of ten hours, which a large manufacturer taut me, and which has been repeatedly aeknowlegd to me by others since, is as follows:

Even if the product of the mils in a ten hour day be les than in a longer one, nevertheles the mils wil be just as profitable under ten hours with les product, as under more hours with greater produet, provided only the shorter day is generaly adopted. And this is the argument which shows it to be so.

Profit is the margin between cost of production and price of sale; and is chiefly determind, not by the amount of goods produced, but by the relation which exists between that amount and what the market calls for. If the eall for goods increases faster than they ar produeed, the margin widens, and the profit is larger. But if on the other hand production increases faster than the goods ar called for, the margin narrows, and sometimes pases to the minus side, so that the goods ar produced at a los. Hence it may be the case that increas of produetion diminishes profit, and diminution of production increases profit; becaus, while the product diminishes, the margin widens more rapidly. To illustrate: In the print cloth boom of the spring of 1880, when the margin on print cloth ran up to two cents a yard, some mils doubled their sets of help, and ran night and day. By this means they piled the goods upon the market so rapidly, as to break it down altogether, and in a few weeks all mils wer barely paying expenses; wheras, had all which wer runing more hours then, reduced the day to ten hours, and had all run just one day in a day, the market would hav staid high, and all would hav had a long season of large profits, and been much better off in the end; while the constant, dredful burden of the eleventh hour would hav

been lifted forever from the operativ class. O would that it might hav been! In fine, so decidedly does a diminution of product tend to widen the margin and increas the profit, and is thus a conservativ measure, that should a reduction of hours to ten, work such diminution, it would tend to raise the price of goods so that no los would accrue. Indeed, if the change wer made skilfuly, at the right moment, with a view to the market, an increast profit would result. We ar the more redy to believ this when we recollect that a rise of a quarter of a cent a yard on the priee of print cloths would make up for every los that could accrue thru diminution of product causd by shorteuing the day from eleven or more hours to ten. And any one who knows how sensitiv the market is, wil not find it hard to believ that as soon as even a slight permanent diminution of product should apear, the market would rise at once from fear of future scarcity. In short, should a general change to ten hours caus a diminution of product, a completc readjustment of the market to the changed conditions would take place, and the mils would go on just as profitably as before.

But one practical condition, constantly and justly insisted on by men of affairs, we also would emphasize. The movement must be general. The change must be made by all the great mils together, and this for reasons too obvious to need statement.

In view of these considerations, all who care for the welfare of their fellow-men may count it a *settled question*, that the general reduction of the hours of labor from eleven to ten in the cotton, woolen and silk factories of our land would involve *no permanent, nor even any serious temporary los of profit; but that all these mils could and would make just as great a profit on a ten hour as on an eleven hour [basis.* Is it not proper for us, therfore, eruestly to ask the managers of our great mils, if the interests of our common humanity do not loudly call upon them all together to adopt the ten hour day as soon as the arrangements can be made, and to enter upon making the arrangements at once. And they may be sure that by no act could they confer a tithe of the joy and gladnes on hundreds of thousands of harts, which this act would giv.

We hav now reacht that point in the discussion where we come to the question of immediate practical action. From what we hav alredy said it follows that therc ar at most but two real difficulties in the way of the general and immediate adoption of Ten

Hours; and we may hope that one of these does not exist, at least to a serious extent. One difficulty is human inertia, or the indisposition to change the establisht order; and, as a part of it, a timidity or dred to act, for fear some others wil not act as agreed. The other, whieh I would fain hope does not exist, is human perversity, or that selfwil which wil not change out of sheer contrariness. Such selfwil blinds those who hav its bitter drop in their lives, so that perhaps they cannot see the proofs whieh hav been given, and so cannot believ it safe to make the change. But until compeld by experience, I wil not believ that there ar enuf of these pervers ones to need to be taken account of. I wil believ while I can, and wil hope I can always believ, that those keen and capable men, our great manufacturers, who ar so eager to introduce all the improved machinery they can find, by which with the same power to get more produet, wil also be wise enuf on their busines side, and manly enuf on their human side, to adopt those mesures which wil improve their help equaly along with the improved machinery, so that the help also shal be worth more in all their being and doing. And *nothing can improve eleven hour toilers, like reducing their hours to ten.*

There remains for us, therfore, the one great practical question, What is there which can now be done, with a fair hope of bringing about the united action of the manufacturers in establishing Ten Hours? The answer to this question wil finish the task which was set for us to do.

One of the most eminent manufacturers in this country, the father of the Atlanta Exhibition, in a letter declining to take part on this occasion, says: —

"The application of machinery, and the competitive method have reduced the labor of producing cotton cloth in such measure that one woman now does the work which would have required one hundred women a century since. During this progress, whieh has been natural and right, I am of opinion that all legislation by which it has been attempted to regulate the hours of work of adult women has *retarded* the general shortening of the hours of labor; and I am utterly opposed to any such interference with the rights of women as forbid[s] them from making free contracts."

Could this man of power and influence but hav thot it proper to stand in this place now, and from his stores of practical wisdom hav told us what course it would hav been best to hav pursued in

the past days; or taking things as they now ar, to hav shown us what steps ar the best to be taken now to bring in the glad day of Ten Honrs for every woman and child of the factory operativs in onr land, with what eager ears would we hav listened to his words. And conld he himself hav found it in his hart to take the lead in action to make his plan a reality, how many would hav hastend to his support, and helpt urge on the work to its joyfnl consnmmation. And even yet conld he be persnaded to take that lead, and giv his strength to the achievment of so excelent a good, greener bays than the Atlanta Exhibition conld ever confer would be his reward, even a living crown of myriads of thankful harts.

Bnt when the voice that is gifted to guide decides to be silent, then another may speak, however weak it may be, only let it giv a clear and certain sound.

The Massachnsetts Bureau of Statistics of Labor has said that a score of manufactnrers could be named, who had it in their power, by acting together, to establish ten hours at once thruout all the manufacturing districts of the land; but as yet no respons has come. So I take up the saying, and utter it again. The perfect way of peace thru right doing to Ten Hours is for a score of men, highest in power among the manufacturers of textil fabrics, to say the word, and Ten Hours wil prevail in a month. Others may wel act with these, for the more the better it would be; but by whomsoever of them gaind, for the manufacturers of themselvs to effect this result would be to do a work of such exceeding good, and so nearly pure from every il, that no lover of men could help but aplaud, and of which all angels must surely sing praise. And the grant of the ten hour day so given would win the harts of the operativs as no other deed could do, and would establish a friendly union of feeling which would last for many years to come.

The very first work, then, is to apeal to the great manufacturers, who can at once, with ease, and without hazard, by the mere turn of their hand achiev this great beneficence; and entreat them just to make that turn of the hand. And wil they not for one moment give ear to the apeal?

Behind me ar tens upon tens of thousands of women and children whose only lot in life is a daily round of unremiting toil, with never one hope to cheer them that that round of toil wil ceas, til they ar laid away to rest in the grave. But the cuting off from that toil of one hour a day forever would be a relief to their lives

and a joy to their harts, which cannot be told. Marshald in vast and pitiful array they stand, their faces set toward you, the mighty ones, who hold almost their lives in your power. Their lips are silent, and their tungs ar dumb; but in mute apeal they strech their hands and gaze with longing eyes beseechingly to you, praying ever in that voiceles speech, *Oh, wil you not grant us Ten Hours?* And I? I only stand, and lift the curtain on the sene.

I hav heard them breathe this petition in the privacy of home. I have heard them speak, when one could not but feel that their hart spoke out from its depths; and their first and most ernest petition is for Ten Hours. It was a woman's lips which coind the saying, when speaking of Ten Hours, "It would be the *greatest boon* which could be given to the factory operativs." Thru the lips of that woman the hart of all factory operativs spoke. And can it be that the great manufacturers can hear this apeal from out the inmost hart of their help, and remember that they can yield to it without imperiling one interest; and yet shut their own harts like iron doors, and refuse to grant to that help their "*greatest boon?*" Oh, may it not, may it not be!

Yet the apeal, to be effectiv, must so be brot home to the men of power, that they wil fairly give it heed; and when they hav given heed, a practical way must apear to them, by which the necessary unity of action can be secured. How shal this need be met?

Could but one man be found among the manufacturers, having a harty sens of the good which there is to accomplish, and having power, skil and adres, who should set himself in quiet ernestnes to this work, by that one man, in a little time, the result would be achievd. Indeed, it would be no wild hope to expect that the whole would be brot about as redily, would arise almost like an exhalation, as the Atlanta Exhibition arose from the word of one man. And what I am saying is but a cry in the dark to reach, if it may be, the ear of that one man.

Of those among the manufacturers who have named the name of Him *who went about doing good*, and who taught his disciples, saying, *Inasmuch as ye did it unto one of the least of these my brethren, ye did it unto me;* shal not one be found to see that *the least of these* to him ar the women and children among the factory operativs, and that the chiefest *doing good* to them is to reduce their day's toil to ten hours thruout all the land. For plainly the

doing good must be according to the need of the one for whom it is to be done, and the power of the one who is to do it. And what good can a manufacturer do in the name of the Master for *the least* of the operativs, which wil be so palpable and great, as to endevor to secure for them all this "greatest boon" of ten hours. Of the Master's people, it is required that they should *undo the hevy burdens.* Is there any hevier burden, which a manufacturer could seek to undo than that last, leden, eleventh hour, three hundred days in the year, for all the ages to come, while man shall liv on the earth?

In the name of the Master, then, do I lift up the voice and cry, Where is that one from among the manufacturers, who wil giv himself *in the name of a disciple*, to the work of *undoing* this *hevy burden* from *these least* of the Master's *brethren?*

Members of the Social Science Association, would you but giv the whole strength of your harts, and the whole hart of your strength to favor and forward this exceeding good, you would aid a work of the highest beneficence to men, and would win as your reward the warmest benison from men.

NOTE. The above Papers of the Social Economy Department are printed not in the order in which they were read, but in the natural order of subjects. They were debated at intervals, but an abstract of the whole debate is here given at the close.

AMERICAN SOCIAL SCIENCE ASSOCIATION.

CONSTITUTION,

LIST OF OFFICERS, COMMITTEES AND MEMBERS,

1882–3.

BOSTON, NOVEMBER 1, 1882.

THE AMERICAN SOCIAL SCIENCE ASSOCIATION

Was organized in October, 1865, at a public meeting in Boston, at which the late Governor ANDREW presided. Its Presidents have been Prof. W. B. ROGERS, SAMUEL ELIOT, GEORGE WILLIAM CURTIS, President WOOLSEY, DAVID A. WELLS, President GILMAN, of Baltimore, and Professor WAYLAND, of Yale College, who now fills the office; its Secretaries, SAMUEL ELIOT, HENRY VILLARD, and F. B. SANBORN. It now has members in nearly all sections of the United States, numbering in all between 300 and 400.

Its object, stated briefly, is to encourage the study of the various relations, social and political, of man in modern life; to facilitate personal intercourse and the interchange of ideas between individuals interested in promoting educational, financial, sanitary, charitable, and other social reforms and progress; and promptly to make known to the public all theoretical or practical results which may flow from such studies or investigations. To some extent these ends have been successfully attained, by the organization and growth of the Association, and the periodical public meetings of the members, with the accompanying reading of papers and discussions.

Our income has hitherto been sufficient to meet our expenses; but it has been necessary to rely upon sources which may be called extraordinary. The Association has no funded property; its *regular* income is composed mainly of annual payments from members, which amount to less than $1,600 *per annum*. The cost of publishing three numbers of the Journal (about 600 pages, 8vo.) is $1,200; the salary of Secretary, expense of annual meetings and incidentals, $1,200 more, in round numbers, or a total of $2,400. It is thought that the time is come when we may confidently appeal to the general interest felt in Social Science throughout the country, for the purpose of establishing our finances upon a solid basis, by enlarging our list of members to 500 or 1,000. It is believed that an institution supported in this way, and relying on a wide-spread popular feeling of interest, will not only stand firmer, but will accomplish its educational object far better than if (as hitherto) supported by a few subscribers. In order to avoid misapprehension and prejudice, it may be stated that while the Association welcomes all new ideas, and encourages the greatest freedom of intelligent expression and debate, it does not hold itself responsible for the opinions of its individual members.

Membership is obtained by the annual payment of five dollars. This confers the right to take part in business meetings of the Association, and to vote in election of officers, and entitles one to receive its publications free of expense. The publications consist chiefly of the "Journal of Social Science," which includes the results of the work of the Association, more especially the proceedings and papers of the General Meetings.

It would seem that the desired increase in membership ought to be easily obtained; and the Council believe that it can be, if those who read this will become members, and aid in interesting others.

Publications can be obtained and information had by addressing F. B. SANBORN, Concord, Mass., or the Publishers for the Association, A. WILLIAMS & Co., Boston, and G. P. PUTNAM'S SONS, New York.

CONSTITUTION.

[It will be seen that under the Constitution, as here printed, a new organization of the officers of the Association has been made,—what was formerly called the Executive Committee, being now the Council.]

The Constitution, as amended January 14, 1880, is as follows:—

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective Departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence, a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a Local Department shall be organized and recognized as such by the Council, its chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendments.

AMERICAN SOCIAL SCIENCE ASSOCIATION.

OFFICERS OF THE ASSOCIATION,

1882-1883.

President, FRANCIS WAYLAND, New Haven, Ct.

First Vice-President, DANIEL C. GILMAN, Baltimore, Md.

Vice-Presidents.

MARTIN B. ANDERSON, Rochester, N. Y.
THOMAS C. AMORY, Boston.
RUFUS KING, Cincinnati.
MRS. JOHN E. LODGE, Boston.
Miss MARIA MITCHELL, Poughkeepsie. N. Y.
Mrs. CAROLINE H. DALL, Georgetown, D. C.
HENRY HITCHCOCK, St. Louis, Mo.
THEODORE D. WOOLSEY, New Haven.
HENRY B. BAKER, Lansing, Mich.
T. M. POST, St. Louis.
NATHAN ALLEN, Lowell.
HENRY VILLARD, New York.
HUGH THOMPSON, Columbia, S. C.
J. W. HOYT, Wisconsin.
JOHN M. GREGORY, Washington, D. C.

General Secretary, F. B. SANBORN, Concord, Mass.

Treasurer, F. J. KINGSBURY, Waterbury, Ct.

Directors.

DORMAN B. EATON, New York.
HORACE WHITE, "
ANSON P. STOKES, "
JONAS M. LIBBEY, "
JOHN EATON, Washington, D. C.
T. W. HIGGINSON, Cambridge.
GEORGE T. ANGELL, Boston.
Mrs. HENRY WHITMAN, Boston.
CARROLL D. WRIGHT, "
H. L. WAYLAND, Philadelphia.

Department Officers.

I. *Education.*—Prof. W. T. HARRIS, Concord, *Chairman;* Mrs. EMILY TALBOT, Boston, *Secretary.*

II. *Health.*—EZRA M. HUNT, M. D., Trenton, N. J., *Chairman;* Miss ELIZA M. MOSHER, M. D., South Framingham, Mass., *Secretary.*

III. *Finance.*—DAVID A. WELLS, Norwich, Ct., *Chairman;* HENRY W. FARNAM, New Haven, Ct., *Secretary.*

IV. *Social Economy.*—F. B. SANBORN, Concord, *Chairman;* Mrs. HENRY WHITMAN, Boston, *Secretary.*

V. *Jurisprudence.*—Prof. FRANCIS WAYLAND, New Haven, *Chairman;* Prof. THEODORE S. WOOLSEY, New Haven, *Secretary.*

Executive Committee.

Prof. FRANCIS WAYLAND, *President;* F. B. SANBORN, *General Secretary;* F. J. KINGSBURY, *Treasurer;* Mrs. EMILY TALBOT, *Education Secretary;* Dr. E. M. MOSHER, *Health Secretary;* Prof. THEODORE S. WOOLSEY, *Jurisprudence Secretary;* HENRY W. FARNAM, *Finance Secretary;* Mrs. HENRY WHITMAN, *Social Economy Secretary.*

DEPARTMENT COMMITTEES—1882–83.

Education Department.—Prof. W. T. Harris, Concord, Mass.; T. W. Higginson, Cambridge, Mass.; Justin Winsor, Cambridge, Mass.; A. R. Spofford, Washington, D. C.; W. F. Poole, Chicago, Ill.; Samuel S. Green, Worcester, Mass.; Prof. G. P. Brown, Terre Haute, Ind.; W. T. Switzler, Columbia, Mo.; John Hitz, Washington, D. C.; Prof. Alpheus Hyatt, Boston, Mass.; Mrs. Martha E. Ware, St. Louis, Mo.; Mrs. Rebecca D. Rickoff, Yonkers, N. Y.; Pres. F. A. P. Barnard, New York; Gen. S. C. Armstrong, Hampton, Va.; Louis F. Soldan, St. Louis, Mo; Rev. Washington Gladden, Springfield, Mass.; Rev. A. D. Mayo, Boston; Miss Sarah E. Doyle, Providence, R. I.; Miss Alice E. Freeman, Wellesley College, Mass.; Mrs. Ellen H. Richards, Boston; Prof. Edward C. Pickering, Cambridge, Mass.; Edwin P. Seaver, Boston; G. Stanley Hall, North Somerville, Mass.; Mrs. Emily Talbot, Boston.

Health Department.—E. M. Hunt, M.D., Metuchin, N. J.; Walter Channing, M.D., Boston; D. F. Lincoln, M.D., Reading, Pa.; W. G. Wylie, M. D., New York; Prof. W. H. Brewer, New Haven, Ct.; J. C. Hamilton, M. D., Mobile, Ala.; George E. Waring, Jr., Newport, R. I.; J. S. Billings, M. D., Washington, D. C.; Charles B. White, M.D., New Orleans, La.; Henry P. Baker, M.D., Lansing, Mich.; John Raueh, M.D., Springfield, Ill.; E. C. Seguin, M.D., New York; A. N. Blodgett, M.D., Boston; Mary Putnam-Jacobi, M.D., New York; C. F. Wingate, New York; Elisha Harris, M.D., New York; Emily F. Pope, M.D., Boston; Eliza M. Mosher, M.D., South Framingham, Mass.

Finance Department.—David A. Wells, Norwich, Ct.; Hamilton A. Hill, Boston; George Walker, Paris, France; George S. Coe, New York; Prof. F. A. Walker, Boston; B. B. Sherman, New York; J. M. Gregory, New York; Carroll D. Wright, Boston, Mass.; Joseph D. Weeks, Pittsburgh, Penn.; Edward Atkinson, Boston, Mass.; William F. Ford, New York; Robert P. Porter, Chicago, Ill.; Frederick W. Foote, New York; B. F. Nourse, Boston; H. W. Farnam, New Haven, Ct.

Jurisprudence Department.—Prof. Francis Wayland, New Haven, Ct.; Charles A. Peabody, New York; Prof. Henry Hitchcock, St. Louis, Mo.; Rufus King, Cincinnati; Prof. Carleton Hunt, New Orleans; Prof. T. W. Dwight, New York; E. Coppée Mitchell, Philadelphia; A. R. Lawton, Savannah, Ga.; F. J. Dickman, Cleveland, Ohio; B. H. Bristow, New York; Anthony Higgins, Wilmington, Del.; J. C. Parsons, Hartford, Ct.; E. J. Phelps, Burlington, Vt; Emerson Etheridge, Memphis, Tenn.; Peter Hamilton, Mobile, Ala.; George M. Sharp, Baltimore, Md.; Theodore Bacon, Rochester, N. Y.; Theodore S. Woolsey, New Haven, Ct.

Social Economy Department.—F. B. Sanborn, Concord, Mass.; Robert Treat Paine, Jr., Boston; F. H. Wines, Springfield, Ill., Charles L. Brace, New York; Rev. Oscar C. McCulloch, Indianapolis, Ind.; Rev. Frank Russell, Mansfield, Ohio; Henry W. Lord, Detroit, Mich.; William P. Letchworth, Portageville, N. Y.; Mrs. Clara T. Leonard, Springfield, Mass.; Mrs. Florence Bayard Lockwood, New York; Miss Anna Hallowell, Philadelphia; Robert T. Davis, M. D., Fall River, Mass.; Mrs. Henry Whitman, Boston.

MEMBERS OF THE ASSOCIATION.

[All Officers are *ex-officio* members of the Association; but persons serving on Department Committees may or may not be members of the Association. In recent lists, these members have been classified by States, but, for convenience, in the present revised list the annual members are given alphabetically, without reference to States; then the life members follow, classified by States, and finally the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessment for two years,—but members so dropped can be restored to the list by paying their arrears. If former members do not find their names on the list as it now stands, it will generally be for the reason just mentioned.

No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it, up to November 1, 1882; but, no doubt, the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.]

ANNUAL MEMBERS.

ALPHABETICALLY ARRANGED.

Adams, W. Irving, New York City, 419 Broome street.
Agnew, Dr. C. R., New York City, 206 Madison avenue.
Aikin, Rev. Charles A., Prineeton, N.J
Aldrich, P. E., Worcester, Mass.
Allen, Dr. Nathan, Lowell, Mass.
Allen, Prof. W. F., Madison, Wis.
Amory, T. C., Boston, 19 Commonwealth avenue.
Amory, Wm., Boston, 60 State St.
Anderson, Dr. M. B., Rochester, N.Y.
Andrews, Israel W., Marietta, Ohio, Prest. Marietta College.
Angell, J. B., LL.D., Ann Arbor, Mich.
Anthony, Henry B., Providence, R. I., 9 Benefit street.
Ashburner, William, San Francisco, Cal., 1014 Pine street.
Atkinson, Edward, Boston.
Atwater, Rev. Dr., Prineeton, N. J.
Baeon, Theodore, Rochester, N. Y.
Baker, Henry B., Lansing, Mich., State Board of Health.
Baldwin, Prof. S. E., New Haven, Ct.
Baneroft, Dr. J. P., Coneord, N. H.
Barnum, Hon. Wm. H., Lime Roek, Conn.
Bartlett, George B., Concord, Mass.
Bassett, Mrs. Mary G., Hartford, Conn.

Belcher, G. C. W., St. Louis, Mo. (Belcher Sugar Refining Co.).
Bemis, Edward W., Johns Hopkins University, Baltimore, Md.
Billings, Frederick, Woodstock, Vt.
Bird, F. W., East Walpole, Mass.
Bissinger, Philip, New York City, 22 St. John street.
Bittinger, J. B., Sewickley, Pa.
Blake, Stanton, Boston, 7 Exchange Place.
Blatchford, E. W., Chicago, Ill., 375 North La Salle street.
Bliss, Eugene F., Cincinnati, Ohio.
Bond, Charles H., Middletown, Conn.
Bond, Frank S., Marshall, Texas.
Bonney, Dr. Franklin, Hadley, Mass.
Bowker, R. R., New York City, 34 Park Row.
Brace, Charles L., New York City, 19 East 4th street.
Bradford, Rev. A. H., Montclair, N. J.
Braman, J. C., Boston, Mass., 50 State street.
Breed, W. J., Cincinnati, Ohio.
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CONTENTS OF NUMBER THIRTEEN.—Order of Business at Saratoga in 1881. Papers of the Jurisprudence Department: I. Pensions in a Republic—Frederick J. Kingsbury. II. Modern Legislation Touching Marital Property Rights—Henry Hitchcock, LL.D. III. The German Socialist Law of October 21, 1878—Henry W. Farnam. IV. The Study of Anatomy, Historically and Legally Considered—Edward Mussey Hartwell, M.A. Papers of the Health Department: I. The Treatment of Insanity in its Economic Aspect—Walter Channing, M.D. II. Adulterations in Food—Prof. S. W. Johnson. Debate on Adulterations. Remarks of George T. Angell. General Papers: I. Christianity and the Relations of Nations—Charles L. Brace. II. Indeterminate Sentences and their Results in New York—Z. R. Brockway. III. Changes in American Society—Julia Ward Howe. Appendix; Infant Development.

CONTENTS OF NUMBER FOURTEEN.—I. The General Meeting of 1881. Death of President Garfield. II. Opening Address of Professor Wayland, President of the Association. III. The Three-fold Aspect of Social Science. Report of the General Secretary, F. B. Sanborn. IV. Civil Service Reform, an Address by George W. Curtis. V. The American Newspaper—Charles Dudley Warner. VI. Prohibitory Legislation—P. Emory Aldrich. VII. Province of Legislation in the Suppression of Intemperance—F. W. Bird. VIII. License and Prohibition—Rev. Leonard W. Bacon. IX. The Moral Statistics of the United States—Dr. Woolsey. X. Divorce Laws—Prof. W. C. Robinson. XI. Lax Divorce Legislation—Rev. S. W. Dike. XII. Address on Health and Insanity—Walter Channing, M.D. XIII. Women Practising Medicine—Dr. E. F. Pope. XIV. Constitution, List of Members, Officers and Committees of the Association.

CONTENTS OF NUMBER FIFTEEN.—I. Papers on Infant Development—Prof. Harris, Mr. Darwin, Mr. Alcott, Dr. Preyer, M. Taine, etc. II. Report of Mrs. Talbot. III. Religious and Moral Education of Children—Prof. G. S. Hall. IV. Treatment of Incipient Insanity—Mary Putnam-Jacobi, M.D. V. Debate on Insanity—Prof. W. T. Harris, Dr. Channing, F. B. Sanborn, etc. VI. Papers on Building Associations—R. T. Paine, Jr., and Addison B. Burk. VII. Homes for the People in Washington—John Ilitz. VIII. Art in its Relation to the People—Martin Brimmer.

No. XVI. of the JOURNAL OF SOCIAL SCIENCE, now in press, will contain one-half of the Addresses, Papers and Reports read at the Saratoga Meeting of 1882. Its contents will be:

1. The General Meeting of 1882.
2. Opening Address of Professor Wayland, President of the Association.
3. Report of the General Secretary, F. B. Sanborn.
4. Address by Dr. Channing, Chairman of the Health Department.
5. The Michigan System of State Medicine, by Dr. Baker.
6. The Health Care of Households, by Dr. E. M. Hunt.
7. The Health of Boarding-Schools, by Dr. D. F. Lincoln.
8. The Health of Criminal Women, by Dr. E. M. Mosher.
9. Treatment of Inebriates, by Dr. A. N. Blodgett.
10. International and National Relief in War, by Miss Clara Barton.
11. The Factory as an Element of Civilization, by Carroll D. Wright.
12. The Life of the Early Mill-Girls, by Harriet H. Robinson.
13. American Factory Life—Past, Present and Future, by Miss Larcom.
14. Ten Hours, by Rev. J. H. Jones.
15. Appendix. Constitution, List of Members, etc.

For information concerning the Association or its Publications, address:

F. B. SANBORN, *Secretary*,

CONCORD, MASS.

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CONTAINING THE

TRANSACTIONS OF THE AMERICAN ASSOCIATION.

NUMBER XVII.

MAY, 1883.

SARATOGA PAPERS OF 1882.

PART II.

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PREFACE.

The Papers included in this number of the *Journal of Social Science*, taken together with those which appeared in the *Journal* No. XVI, make up all the Saratoga Papers of 1882 which have been received from the authors in condition for printing. As some misapprehension may exist in regard to the publication of Papers by the Association, it may here be said that all Papers engaged for the General Meeting of the American Social Science Association are so engaged with the understanding that they may be printed in the *Journal of Social Science* if the Council so decide; if, therefore, the writers choose to publish their Papers elsewhere (to which the Council offers no objection), it must be with the stipulation that these Papers may also be published in the *Journal*, at the option of the Council as to time of publication.

The absence of some of the Saratoga Papers of 1882 from this number reduces its size; the Address of Rev. Dr. GLADDEN, on *Unsocial Forces*, and the Paper of Miss FREEMAN, on the *American Indian*, being withheld by the authors.

Since the Saratoga Meeting of 1882, several prominent members of the Association have died, but the death of only one is here noticed.

With sincere regret, we record the death of Lewis L. Delafield, Esq., of the New York bar. Amidst the pressure of exacting professional duties (and how faithfully and with what signal ability these were discharged public testimony has already been borne by his professional brethren), he ever recognized the obligation which an educated Christian citizen owes to the community in which he lives. His clients were not alone those whose retainers he had accepted. The oppressor of the weak and helpless found in him an uncompromising antagonist. Every practicable plan for purifying society or correcting municipal misgovernment, or elevating the standard of the legal profession, could count on his cordial support. And whenever he enlisted for a campaign, whether fighting in the ranks or leading a forlorn hope, he knew no such word as fail.

Mr. Delafield's membership of this Association dates from 1876. At our Fall meeting of that year he read a thoughtful and instructive paper on "The Conditions of Admission to the Bar," embodying the substance of views which he subsequently made the subject of earnest and forcible appeals to the bar of his own county. In the session of 1882 he took part in the discussion which followed the reading of a paper on Professional Ethics, by Theodore Bacon, Esq., of Rochester, N. Y. He had promised a paper for the meeting in September, 1883, on "The Incongruities, Anomalies and Failures of Canon Law," a topic to which he had devoted much attention, and which in his hands would have received adequate consideration. By his death our Association loses, in the prime of his usefulness and the meridian of his powers, one of its most valuable members.

F. W.

New Haven, Conn., April, 1883.

THE GENERAL MEETING OF 1883.

This will take place as usual at Saratoga, N. Y., early in September, 1883, opening in Putnam Hall, on Monday Evening, September 3, with an Address by President WAYLAND, and closing on Friday, September 7. The sessions of the Education Department will occur on Tuesday, those of the Health Department on Wednesday, of the Jurisprudence Department on Thursday, and of the Department of Social Economy on Friday. The headquarters of the Association will be at the *United States Hotel*, where members and guests of the Association will be received at reduced rates.

The Tenth Annual Conference of Charities will meet at Louisville, Kentucky, Monday, September, 24, 1883, and will continue in session one week. The order of business in this Conference will soon be announced. Members of the Association who desire to attend this Conference will be registered as delegates and entitled to take part in its debates; but the Proceedings of the Conference are no longer distributed to members of this Association. They may be obtained of our publishers, or of Prof. A. O. WRIGHT, Madison, Wis.

The order of business at the Saratoga Meeting of 1883 will be as follows,—subject to slight changes and to further announcements of Papers and debates:

GENERAL MEETING AT SARATOGA,

September 3–7, 1883.

The date for the Saratoga meeting of 1883 is from the 3d to the 7th of September, inclusive. The General Sessions will be held only in the evening; the Department Meetings in the morning, with liberty to adjourn to the afternoon, if the business requires it. One hour will be the limit of Addresses, except the Annual Address of the President, and thirty minutes the limit of each Paper in reading. The Addresses and Papers will be as follows:

IN GENERAL SESSION.

Monday Evening, September 3d, 8, P. M., Opening Address of the President.

Tuesday Evening, September 4th, 8, P. M., An Address on *The American Civil Service*, by DORMAN B. EATON, LL. D., of New York, followed by a Debate.

Wednesday Evening, September 5th, 8, P. M., Annual Report of the Secretary, and Election of Officers.

9, P. M., An Address by

Thursday Evening, September 6th, 8, P. M., An Address by Rev. T. HARWOOD PATTISON, D. D., of Rochester, N. Y., on *Free Thought in Politics.*

Friday Evening, September 7th, 8, P. M., A Debate on the question of *Labor in Prisons*, in which Prof. WAYLAND, Mr. Z. R. BROCKWAY, and others, will take part.

DEPARTMENT MEETINGS.

Tuesday, September 4th.

DEPARTMENT OF EDUCATION.

9.30, A. M., An Address by the Chairman, W. T. HARRIS, LL. D., of Concord, Mass.

10, A. M., *New Methods of Study in History*, by Prof. HERBERT B. ADAMS, of Baltimore, Md.

11, A. M., A Paper by W. CAVE THOMAS, of London, Eng.

11.30, A. M., A Paper *Concerning Libraries*, by J. N. LARNED, Esq., of Buffalo, N. Y.

12, M., *Physical Training in Homes and Training Schools*, by Dr. D. A. SARGENT, of Cambridge, Mass.

12.45, P. M., *A Practical Method of Developing the Study of Natural History*, by Prof. ALPHEUS HYATT, of Boston, Mass.

Wednesday, September 5th.

DEPARTMENT OF HEALTH.

9.30, A. M., An Address by the Chairman, Dr. E. M. HUNT, of Trenton, N. J., on *The Social Bearings of Sanitation.*

10.30, A. M., A Paper by GEORGE E. WARING, JR., ESQ., of Newport, R. I., on *House Construction with Reference to Plumbing, and Drainage.*

11, A. M., A Paper by Dr. T. D. CROTHERS, of Hartford, Conn., on *Inebriety;* followed by a Debate.

12.30, P. M., A Paper by Dr. WALTER CHANNING, of Boston, on *The Causes of Insanity.*

Thursday, September 6th.

DEPARTMENT OF JURISPRUDENCE.

9.30, A. M., An Address by the Chairman, Prof. FRANCIS WAYLAND.

10, A. M., A Paper on

11.30, A. M., A Paper on *International Ethics*, by E. M. GALLAUDET, LL. D., of Washington, D. C.

12, M., A Paper on *Assessment of Damages in Civil Action*, by Hon. H. C. ROBINSON, of Hartford, Conn.

1, P. M., A Paper on *The Legal History of the Telephone*, by M. F. TYLER, ESQ., of New Haven, Conn.

Friday, September 7th.

DEPARTMENT OF SOCIAL ECONOMY.

9.30, A. M., An Address by the Chairman, F. B. SANBORN, Esq.

10, A. M., A Paper on *The Race Problem in the United States*, by Prof. CHARLES A. GARDINER, of Hamilton, N. Y., followed by a Debate.

11.30, A. M., A Paper by JOHN WANNAMAKER, Esq., of Philadelphia, on *Employers and Employed.*

3, P. M., A Meeting of the National Prison Association for re-organization.

4, P. M., A Paper on *Child Helping as a Means of Preventing Crime in the City of New York*, by CHARLES L. BRACE, Esq., of New York.

The September meeting of the Council will take place at Saratoga, Sept. 3, at 4, P. M.; the election of officers for the year 1883–4 on Wednesday Evening, Sept. 5, at 8.30 o'clock.

THE SARATOGA PAPERS OF 1882.

PART II.

PROCEEDINGS OF THE DEPARTMENTS OF EDUCATION AND JURISPRUDENCE.

[Before presenting the Papers read in the above-named Departments (September 5th and 7th, 1882), attention may be drawn to the presentation of the Memorial of the Association in the Senate of the United States early in the present year. The Council of the Association have been informed that the Memorial and the distribution of Mr. Mayo's Address which followed it, exerted a considerable influence in favor of the measure before Congress.]

(PROCEEDINGS OF THE UNITED STATES SENATE, JAN. 3, 1883.)

SENATOR BLAIR. I present a petition of the American Social Science Association, praying for appropriations from the National Treasury for the promotion of common-school education throughout the entire national domain, to be distributed upon the basis of illiteracy. As the expression of this Association is from gentlemen whose opinions are entitled to the very highest consideration, and who are representatives of the cause of education throughout the entire country, I ask that their petition, which is very short, be printed. It is signed by the president, Francis Wayland, and by F. B. Sanborn, secretary. Attached to it is the list of the officers of the Association, which I should like to have also printed, as it is very short and shows the prominence and the universal distribution of these representatives of that cause.

The petition was ordered to lie on the table and to be printed in the Record, as follows:

AMERICAN SOCIAL SCIENCE ASSOCIATION,
Boston, December 28, 1882.

To the Senate and House of Representatives in Congress assembled:

The American Social Science Association, impressed with the danger involved in the existence of a large number of illiterate voters in the population of this country, as revealed in the last census, for the proper enlightenment of which class of voters many of the States are unable to make adequate provision; and believing that a government resting on the suffrage of the majority of the people can not preserve itself from corrupt influence nor secure a high degree of civil freedom unless education is generally diffused among all classes of voters; and further believing it to be within the constitutional power of Congress to provide in this manner for the safety of the Republic, and that the enfranchisement of the freedmen imposes an especial obligation upon the Government to qualify them for a safe discharge of the new duties devolved upon them; would earnestly pray that your honorable body will take prompt and efficient measures to avert these dangers; that money raised from such sources as your honorable body may, in its wisdom, deem best, shall be distributed, for a limited period, to the common schools of the States and Territories, on the basis of illiteracy, and in such manner as shall not supersede nor interfere with local efforts, but rather stimulate the same and render them more efficient; said moneys to be distributed under such guarantees as shall secure their application to the object herein named, with equal justice to all classes of citizens.

Prepared by order of the American Social Science Association by the Council of the Association.

Attest:

FRANCIS WAYLAND, *President.*
F. B. SANBORN, *Secretary.*

PAPERS OF THE DEPARTMENT OF EDUCATION.

I. NATIONAL AID TO EDUCATION.

(An Address delivered before the Social Science Association, at Saratoga, N. Y., Sept. 5th, 1882.)

BY REV. A. D. MAYO, OF BOSTON.

There are now awaiting the action of the Congress of the United States two bills that propose National Aid to Elementary Education, on the basis of illiteracy, in all the States and Territories of the Union. The Senate bill, reported by Mr. Blair, of New Hampshire, proposes to appropriate, during the next ten years, a sum in the neighborhood of $100,000,000; beginning with $15,000,000 annually, with a gradual decrease; the money to be distributed on the basis of the illiteracy of citizens over ten years of age, in the different States and Territories, according to the census of 1880, exclusively for common schools, unsectarian in character; one-tenth the sum to be used for the training of common school teachers. These funds shall be distributed under the joint supervision of the Secretary of the Interior and the State Public School Authorities (the concurrence of both being necessary); in accordance with statistics rendered to the Interior Department—on condition that, during the first five years, the State shall raise a sum equal to one-third of, and in the second five years, equal to the whole sum received, from the general government; and that a United States Commissioner of Schools, for each State and Territory, shall be appointed by the President of the United States, to represent the government, superintend the distribution and generally assist in the development of public education; with various other provisions looking to the security of funds and details of action.

The House bill reported by Mr. Sherwin, of Illinois, provides that, for five years, the sum of $10,000,000 shall be appropriated annually, on the same basis, for a similar purpose; no State to receive a larger sum than its own appropriation, and on condition of having provided for three months' schooling a year for all its children; five per cent. to be appropriated for the training of teachers. The Secretary of the Interior, through the United States Commissioner of Education, shall pass over the money to the State authorities, to be distributed by them, with careful guarantees in

the form of thorough reports; the appropriation to be withheld on failure of compliance, or in case of abuse.

Both these bills permit States with only five per cent. of illiteracy to use their portion in any way for the promotion of common school education in the country. The House bill differs from the Senate in leaving out the elaborate machinery for government inspection by United States Commissioners in the several States, using the United States Bureau of Education for general oversight, and leaving to the State authorities all details of distribution in accordance with the provisions of the law.

Under the House bill, which would seem to have the best chance of support, the former slave States, where the largest proportion of illiteracy exists, will receive an annual appropriation varying from $834,000 in Georgia to $31,000 in Delaware; in some cases a larger sum than is now expended by these States for public education. The old and new free States will also receive considerable sums: New York $352,000; Ohio $211,000; Illinois $233,000; Vermont $25,000. The District of Columbia will receive $41,000; the Territory of New Mexico $91,500, and Wyoming less than $1000. Under the Senate bill the sum at first received will be larger, gradually decreasing, and continuing through ten instead of five years.

Under the pressure of legislation, both these important bills were thrust aside at the last session, there being no serious consideration of either; and the whole subject awaits the moving of the waters at the short session ending on March 4th, 1883.

Meanwhile there has been developed a wide-spread and rapidly growing interest in the general subject in all parts of the Union. Four Presidents of the United States, in succession, have called attention to the great necessity for action. The legislatures of several States have recommended it. Great numbers of petitions, many from the South, have been forwarded to Congress. The press, with rare unanimity, has been favorable. Numerous hearings before the Congressional Committees, and constant discussion, resolution and petition in educational conventions, have testified to the interest of teachers. A canvass of the two houses of Congress reveals no formidable opposition — the Southern delegation having undergone a notable change in opinion during the past ten years, — and the only serious obstacle to the passage of a bill being a possible disagreement on details of administra-

tion. Apparently no subject of legislation is so ripe for decisive action by Congress, as this of National Aid to Education, on the basis of illiteracy, in all the Territories and States of the Union.

This action is in the direct line of public policy since the establishment of the government. Indeed, the Congress of the Confederation, on recommendation of a committee whose chairman was Thomas Jefferson, inaugurated this policy by the appropriation of large tracts of public lands to the Northwestern Territories, for education in common schools and universities. This great act of profound statesmanship was endorsed by the new government of 1789, and each new State of the Northwest, as it has fallen into line, has received a munificent endowment, at first of one (the 16th), and recently of two sections (the 16th and 36th) of every township for common schools, with a large endowment for a State University. Besides this usual appropriation, Congress has repeatedly secured or confirmed to the States of the Southwest, the possession of vast endowments in school lands; permitted the States in 1836 to appropriate large portions of the surplus revenue to education; has made repeated local grants for every form of school; in 1862 made a general apportionment from the public domain for Colleges of Agriculture and Mechanics in all the States; has established schools in the army, and at West Point and Annapolis; is now appropriating a large sum to educate the Indians, and has repeatedly waived its claim to valuable public property in behalf of benevolent efforts to school both whites and blacks since the war. Indeed, on no subject of legislation is there a better established line of precedent, from the beginning of our Colonial existence to the present day, than upon the right and duty of the National government to aid in the education of the people. This right was never seriously questioned, save by the extreme champions of State rights; but last winter South Carolina, the foremost expositor of that theory, appeared at Washington through her most influential representatives in Congress, the State Superintendent of Public Instruction, the Mayor of Charleston, and by numerous petitions of her most eminent citizens, imploring this action in her own behalf. The only question is of expediency; and on this point there is coming to be a unanimity of opinion rarely found concerning any great measure of public policy, among all parties, in all sections of the republic.

In this distribution of the public domain for education, there

has heretofore been a seeming injustice. While a large portion of the public estate came from the withdrawing of their claim by several of the old Thirteen States in favor of the nation, and a still larger part from the purchase or conquest of vast regions by the treasure and blood of the whole country, only the new States, west of the Alleghanies, have received the perpetual grant of school lands, while the original Thirteen have only profited by the distribution of the surplus revenues, occasional local grants, and the arrangement of 1862 for industrial education. These old States, beside Maine, Vermont, Kentucky and Tennessee, never received public school lands before 1862. Eight of these were slave States in 1860, and all of them are in need—four of them in great need—of the aid that has been lavished upon the Northwest and Southwest, and the Pacific Coast. At different times within the past fifty years, attention has been called in Congress to this injustice, and some of these States have appealed for redress. When we consider the great value of the original surrender of territory by the old Thirteen, and remember that the burden of cost for the purchase and conquest of the remainder of the public domain, has come upon the States east of the Alleghanies, it would seem that the time had come for a reparation of this wrong, in extending to these illustrious old commonwealths the aid of which several of them are so much in need.

Few of our statesmen have seemed to comprehend the vast and beneficial effect of this policy of national aid to education upon the great Northwest and our Pacific empire. President Hayes once declared that Ohio owes her eminence in public affairs, today, more to this early establishment of educational opportunities than to any other cause. Under the stimulus of this benefaction, every one of these States has been able to place on the ground, at once, a vigorous system of public schools, and to establish a free university and institutions for the training of teachers. Each of them has been able to meet the crowds of poor and ignorant people that have poured over its borders, from every quarter of Christendom, with a beneficent offer of schooling for all the children, and the opportunity of a training for public usefulness for its superior youth. The wonderful development of practical ability in large affairs, in the Northwest, during the past twenty years, is largely due to the hundreds of little colleges, academies and high schools established by the aid of the naitonal endowment, and the contribu-

tions of churches and individuals from the older States. Thus a new commonwealth, like Iowa, California, Minnesota or Kansas, hardly a generation old, may have a better working system of popular education than European nations like France, Italy or Great Britain; nations a thousand years old, and eminent for learning and literature. Surely the least that the representatives of this powerful and prosperous section of our country can now do, is to lead the movement to place the mighty region we call the South, in similar condition.

This national policy does not contemplate the constant support of education in the States. It is not the nation keeping or supervising a school, but the whole people, through their common government, watching the growth of American civilization all round this majestic circle of commonwealths; in ordinary times doing enough to vindicate the precedent, in the days of emergency coming in with irresistible power to stimulate home action, and arouse the people to their duty by the potent inspiration of national encouragement and material aid. The first emergency appeared at the opening of the national life, in the organization of the Northwest. Now an emergency, no less important and more critical, is upon us; the uplifting of the region which, until 1860, was included in the fifteen slave States and the Southwestern Territories; all of it just emerging from the overwhelming destruction of a civil war which annihilated the only order of society it had ever known, launching 18,000,000 of people on the stormy ocean of the most critical experiment in social science our modern world has seen; the reconciliation of alien races, the harmonizing of conflicting classes, the lifting up of not less than 10,000,000 of ignorant, poverty-stricken, solitary country people, to worthy citizenship of the chief republic. Now, if ever, is a call for a statesmanship which shall grapple with this prodigious enterprise, and during the coming generation attempt to place this portion of the Union on the high road of the common American opportunity, thus binding it forever to us by cords of mutual interest and fraternal love.

One difficulty in arousing the people of our country to this emergency is the very magnitude of the interest involved. Let us contemplate the problem, a moment, and try to apprehend somewhat the quantity and quality of work to be done.

That portion of our country included in its former slaveholding

States, with the southwestern territories, is a vast empire, greater in extent than the entire surface of Europe, outside of Russia, and hardly inferior to Europe in natural advantages for the occupation of man. Yet, hitherto, we have known what we have called the South chiefly as developed by one form of agricultural interest, that never attempted even to estimate the general resources of these great States. The immense central mountain region that towers above several of these older States, is still hardly better known than the wild regions of California and Colorado. Yet it includes a territory larger than the majority of European nations, rich in mineral wealth and water power; a wonderland of pastures and forests. The Piedmont region sloping in all directions from Harper's Ferry to Montgomery, has only of late come into general observation, though one of the loveliest and most favored districts on the continent. It is only yesterday that the boundless motive power of water and coal in several of these older States has been accounted worthy of observation. The wonderful mining region of northern Alabama, before 1860 was hardly known to her own people. The fisheries and the gardens along the Atlantic and the Gulf, had been developed only in the most desultory way previous to the last fifteen years. To get an adequate idea of the country we called the South, it is neeessary not only to read tables of statistics, but to travel and observe, through weary months; often to explore a realm seareely known to the people in whose State it lies. One of the surprises of an extended Southern tour, is the discovery that even the leading classes of these vast States are very imperfectly acquainted with the capabilities of their own territory, while the majority of the white people still abide in profound ignorance of these things. It will be many years before the best informed class in our country will come to any adequate idea of this illimitable empire included in these sixteen States and their adjacent territories. Slave society was the pieturesque drop-curtain which, for half a century, shut off one of the most favored portions of this republic from the view of the North and the civilized world.

The problem is, within a safe and reasonable time, to establish, in this vast realm, an order of republican Ameriean society that can be relied on, not only to live in harmony with the remainder of the Union, but to proceed on the lines of advancement drawn by the genius of the present age. Now this population

consists of some eighteen millions, one-third of whom are newly emancipated slaves, of a race hitherto despised by all civilized lands as inferior, and still on trial as to its fitness for self-government in a republican State. Up to the year 1860, through this whole area, society was organized on the old European aristocratic basis, in which a very small superior class virtually monopolized property with all social opportunities, and under the forms of republican government, ruled these States and largely directed the policy of the nation. Ten years more and this whole social order was upset; the slaves not only emancipated, but made voting citizens with the right to hold every office in the gift of the people; the foundations of the old system of labor broken up; society attempting the experiment of standing on its head. After a period as near social and civil anarchy as is possible among an Anglo-Saxon people, these States have merged into the beginning of a new prosperity. But the time has been too short for essential changes in the social state. The old superior class still abides at the front, though sadly broken down in available wealth, scattered, discouraged by the events of the past twenty years, its power for evil or good greatly reduced. It is no longer possible for this class either to lead the South into a new experiment of disunion, or to permanently prevent the majority of the black and white population from doing as it will. It still occupies the chief places of power and preferment, because the ignorant whites have not acquired the habit of leadership, and the freedmen, even though favored by national protection, are still a helpless peasantry with two classes of their superiors between them and the front. But, already, these great masses of the ignorant white and colored people are coming to a knowledge of their own power, and the next generation may behold a struggle for supremacy, of which the agitation among the foreign-born laboring class of the North, and the communistic upheavals of European society are warning portents.

It is not probable that, for a few years to come, any great stream of foreign emigration can be directed to the South. Foreign emigration moves in grooves, and the Irishman, the German, the Scandinavian, goes where his own class has been going; as the New England, Middle and Southern States have each carved out their own highways of advance in their journeyings toward the setting sun. Thus we have the spectacle of an attempt to change the

whole structure of society from an aristocracy to a democracy, servile labor to free, the entire method of social, religious and political activity, among 18,000,000 of people, rapidly increasing, possessing a territory as large as civilized Europe, in many strange ways still shut out from contact with the rest of the country; just emerging from the overwhelming disaster of defeat in a civil war. Was ever a problem so momentous, so inspiring, so fraught with direful or beneficent results, offered to our people for solution as this? No wonder that the masses of the American people so faintly apprehend it; that the majority of our forcible public men still look upon it only at the angle of partisan politics; that the Congress of the United States can spend months over the details of appropriations for rivers, harbors, and public buildings; vainly buffeting the surf in the wild waste of taxation, tariff, and the apportionment of offices; and not once awake from its slumbers to face this awful question, the uplifting of the South, as involved in the civilizing and the perpetuation of the republic through all time to come.

The more this region of our country is known and appreciated, the deeper must be the conviction that in education alone, in our full American sense of that word, will be found the screw that will lift its society into line with republican ideas and institutions. The trouble in the South is not the absence of a superior class to elevate the people below. There is such a class; not essentially inferior to the similar class in any country; in the habit of political and social mastery, perhaps the superior of the leading class in the North. But this portion of the southern people were almost the only permanent sufferers from the great war. To the negro the war brought freedom and the boundless opportunities of free citizenship in the republic. To the vast majority of the non-slaveholding white people, the war of rebellion turned out a war of emancipation, introducing them for the first time to responsible power in the affairs of their own States and the country. But the year 1865 found the superior class in every southern State more completely overthrown than any great aristocracy of modern times; impoverished, devasted by war, unaccustomed to the methods by which the enterprising classes get on in a northern State; divided among themselves by obstinate religious, social and political estrangements; in the worst possible condition to undertake such an enterprise as we have outlined; the making over of a

vast empire, in the image of the new society, according to the ideals of the new age. No thoughtful man can now seriously look to politics, or ecclesiasticism, to the ordinary progress of society, or to the mere working of industrial forces to lift up this region in the way proposed.

And if the superior class at home is unable to shoulder this problem, still less can it be handled by the ordinary machinery of national partisan politics. No central government in our country can be made strong or wise enough to change the drift of society in any State by the disposal of patronage, and all our American traditions forbid the attempt to force a sovereign commonwealth beyond the point of formal obedience to law. But certainly the masses of illiterates in the South cannot be relied on to do this work. Ignorance does not pine for knowledge, but breeds in and in, and the most formidable obstacle to the uplifting of southern society, today, is not the indisposition of the highest, but the stolid and mischievous resistance of the lowest classes to any radical change of condition.

Only the American school, in all its beautiful variety of operation, is adequate to this great work. The South needs the people's common school for discipline of character, mental training, instruction in manners and morals and in the habit of living and working together for the common good. It needs the academical and professional school and the college, in due time supported wholly or in part by the State, but for the present largely under the direction of denominational, religious or private boards of control, to train the superior class for the higher work of society. It needs the popular library, improved journalism, a higher type of popular discourse, all consecrated to the uplifting of the people. And it sorely needs the thorough training of the working classes in skill, and the power to use the marvellous modern agencies for the subjugation and development of nature through this magnificent domain. Here alone is found a force adequate to deal with a problem like this. Education, in its most profound and its broadest aspect, underlies every ordinary agency of improvement. The home, the church, social manners and habits, public morals, the general drift of thought on all themes, not only among the freedmen but the ignorant white people as well, can only be changed gradually by the education of successive generations; and the sooner that vast work of regeneration is well begun, the better for us all. It is simply ludicrous to talk of developing the agriculture,

manufactures, mining, commerce, of the South until its laboring class, of both races, is many lengths ahead of its present intelligence and ambition. The time has long since passed when a superior class can achieve its best in literature, fine manners and eminent character amid such a state of affairs as now exists in these sixteen States. The new temple of American society in the South must go up altogether; as the houses in the streets of Chicago, twenty-five years ago, were raised intact by the turning of the great screw below. Only thus, in such a country as ours, can any good thing be well done; by including all orders and conditions of men in the promised good. As fast as the masses of the people can be brought up in range of the light of modern times; taught to make practical use of reading and writing; trained to think and look at life, in general, according to the noblest style of the nineteenth century; will this glorious work go on.

And when we contemplate the fearful mass of this Southern illiteracy, we may better realize what this work implies.

In Alabama, thirty-four per cent. of the whole people cannot write. In Georgia, Louisiana, Mississippi, North and South Carolina, Florida, Virginia, the line wavers from twenty-three per cent. till it reaches nearly forty-eight per cent. in New Mexico. A voting population equal to more than half the entire vote in the South (2,763,508 in 1880) is illiterate (1,737,303). Of the colored voting people, seventy per cent. are reported illiterate; of the whites, thirty per cent. In ten States, more than thirty per cent. of the voters, in six States, more than fifty per cent. are untaught. But these figures do not complete the melancholy tale. The inability to read and write by an American voter in days like these, means far more than ignorance in a European peasantry. It also points to another numerous class, who, with the mere knowledge gained in a poor school, are as truly strangers to the light of this new world and age in which we live as the child who has been shut up from his birth in the Mammoth Cave suddenly let out upon the glories of the upper world.

In saying this I have no intent of disparagement or unfriendly comparison between these States and those of the North. God knows what a battle as for life is going on in all our great cities, in thousands of smaller towns, in the border lands of these prosperous and powerful commonwealths, in the illimitable territories of

the Northwest and the Pacific slope. Even now, Massachusetts, with her munificent provision, $5,000,000, annually, for education, counts almost a hundred thousand people over ten years of age who cannot write, and seventy-five thousand who cannot read. The growing cities of all these States are swarming with untaught children. But here, seems to me, the most conspicuous difference between the North and South. In all these northern States, and, possibly, in a few of the central southern, the superior class of society is in a favorable condition to handle the problem of the growing civilization in the Commonwealth. For here the superior class has not been overthrown, has constantly gained ground in intelligence, wealth, refinement, and the habit of acting together for the public good, and has always been educated into ideas of the republican or democratic organization of society. Under the wise policy of the fathers, the northwest was launched, at first, a century ago, on the tide of free labor and universal education. The day of recrimination for our past has gone by for all save the weaker brethren of the political fold. Impartial history will accord to North and South the just proportion of praise and blame for what has come to us in the momentous days behind. But if there is one fact patent to all intelligent observers of American affairs, it is that now is the time for the northern people and the general government, by all suitable means, private and public, in every good, generous, and helpful way, to aid the superior class in the South to check this awful growth of barbarism, and bring these States, one by one, into the proud position becoming every Commonwealth in our American fraternity of equal powers. And here is a common ground where, without injurious or impertinent interference with any State right, or the undue jarring of any local susceptibility, with full accord of patriotic and Christian minds and hearts and hands, the whole people can unite for the training of children and youth in the American school.

There is an impression in the North, vigorously nursed by a portion of the partisan political press, that the leading class in the South has grossly failed of its duty in this work of education, and the nation is now to be summoned to repair the ruin of this failure.

After nearly three years' observation through twelve of these States, with the best opportunities for arriving at the facts, I am prepared to deny this accusation. I believe that, under the present conditions, the leading people of the South, the class which every-

where must be relied on for leadership in such matters, has not been specially unmindful of this obligation. Indeed, after a fair estimate of the difficulties in the way, I am confident that no similar class of people in the old or new world has accomplished so much, in a time so short, against obstacles so formidable.

Our Northern people cannot easily come to a true sense of the overwhelming destruction that fell upon every interest of society in the South at the collapse of the great rebellion in 1865. The one problem that stared every returned confederate soldier in the face, and confronted every respectable family between Washington and San Antonio, was not a discussion of methods of education, or a theory of social science, but the previous question,—how, day by day, to keep soul and body together. In a community from which the financial underpinning has disappeared, every story of the social fabric leans and totters to its fall. With few exceptions the private, academical, professional and collegiate schools on which the superior people of these States had always relied, went down into the abyss in 1865, leaving only their names and dilapidated buildings behind. Outside half a score of cities, there was no effective organization of what we call the public school anywhere in the South before the great war. It was too much to expect that the people who were left destitute of the means to instruct their own children would spring to the front to inaugurate a new system of schools for their poorer brethren and the newly-emancipated slaves. The common school of the North was practically unknown through the rural districts which contain the vast majority of the Southern people; was associated with a hostile section that had just been victorious in a bitter war which ended in the upheaval of Southern society itself. The educational system most in favor was modelled on the English system of fifty years ago,—universities and colleges under the direction of ecclesiastical managers, and elementary schools as a sort of informal attachment to churches or groups of families. It was a new experiment to interest the State with the education of the masses, even to make any considerable provision for the education of the masses at all. The different classes of the Southern people were left by the war in the worst predicament for working together in the upbuilding of a new system of schools; the freedmen suddenly torn away from their old relations with the ruling class; the poor whites, in many districts, exasperated against their leaders through the terrible years of con-

flict; families and churches and neighborhoods rent by the feuds that wait on civil strife and a common heritage of misfortune. The war closed only in form with the fall of Richmond. For ten years, in some of the States, the attempt of the general government to reconstruct them by the practical exclusion of the superior class from active citizenship, kept alive the worst passions of the great conflict, and hindered all progress.

Meanwhile, the work of education among the blacks and poor whites was begun by teachers from the North, aided sometimes by the government, and a system of common schools was extemporized by the provisional governments in most of the States. But nobody, save a political enthusiast, would expect aid and comfort in such efforts from a people in the condition of the leading class in these States, during such a period of agitation and virtual anarchy. It is hardly ten years since the most advanced of these States, like Virginia, have been in a condition to seriously deal with the educational question, and some of them, like South Carolina, only got their hand on the helm in 1876.

In that brief period, the responsible people of the South have been summoned to about everything a broken-down community was ever called to do. The effort to get the new system of labor in working order and lift 15,000,000 people out of the slough of financial wreck and absolute poverty, has sorely tried the energies of communities not specially fitted for the task. Yet was there ever in this world a greater financial success than has been revealed by the contrast between their labor system of 1870 and 1882? It is difficult, in a prosperous village in New York or Michigan, to realize the number of expensive things to be done before an old-fashioned county town in North Carolina or Georgia can be made into the sort of place that scores of them are now becoming. In the South, today, there is a mighty famine of money, and the large accumulations are often in hands not especially in sympathy with the new education. Let any fair-minded man travel through these States and ascertain the numerous difficulties of the educational situation; how during the past ten years the entire system of collegiate, academical and professional instruction was to be raised out of the dust and set in order, that the training of the intelligent classes might be kept as good as of old; how difficult it is anywhere to build up effective common schools in the open country, especially in a country so sparsely populated,

so peculiar in climate, so rent asunder by a conflict of races, as in the South; how hard it is for a people to outgrow the habits and prejudices of their whole past, and change their institutions under the pressure of defeat and humiliation; and he will be less inclined to censure the Southern people for what they have not accomplished, than to confess that, in this dire emergency, they have displayed some of the characteristic virtues of American citizenship in a most conspicuous way.

Within the past ten years the southern white people have virtually lifted up their old academical and collegiate system of instruction from ruin. Almost every considerable school or college broken down by the war has been raised; by the aid of northern friends, some of them placed in better condition than before. But the majority of them are still weak in funds, though not wanting in students; toiling, in the face of great obstacles, to furnish a good education to the multitudes of eager young people who throng their halls, often needing all things in letters and the means of support. Many of the old professional schools have revived, and some of teem are gaining national reputation. During this period a system of common schools, modelled largely upon the system of the northwest, has been established in every one of these States, for blacks and whites; and in all but two of the border States, the public school monies are distributed fairly per capita, between the races. Each State has now a considerable school fund; and in several a State tax is levied or certain revenues appropriated for the support of free education. These funds are generally disbursed with signal honesty and economy, by a body of State school officials inferior to none in the Union. The new public school movement has already brought to the front an increasing number of eminent leaders, teachers and friends of education; and the results on the children of all classes has been most gratifying. An arrangement of summer normal Institutes for training teachers has been maintained this year in half-a-dozen of these States, and normal schools for white and colored youth are being established. Almost every city of ten thousand people and upwards, has made a good beginning of public graded instruction; some of them, like Charleston, Richmond, Nashville, Atlanta and New Orleans, have public schools that will bear comparison with similar places in the North. The county towns are waking up, and every year a larger number of them vote a local school tax in addition to the State fund and

establish free schools for eight or ten months of the year. The country district school is the point of difficulty there, as everywhere; but there is constant progress, even in those lonesome regions where it would seem impossible to get a score of children, once a month, within sight of a school-house.

In 1880 the whole school population of the entire South (the school age is reckoned generally from six or seven to sixteen or eighteen years) was 3,899,964 whites, with an enrolment of 2,215,647; of blacks 1,803,257, with an enrolment of 784,709. In 1880 these sixteen States expended twelve and a half million dollars for popular education in common schools. In addition to this, nearly every southern State supports a free university and has commenced the organization of an agricultural and mechanical college; several of them contributing to the support of the colored universities established by the missionary boards and people of the North. A larger number of their youth every year are coming North for education. It is probable that the sum of $15,000,000 would not exceed the amount actually expended at home, by the southern people, in 1882, for all departments of education.

And now the great awakening of all classes of the population of these States in educational life, is one of the most remarkable facts of the period. One is reminded of the days of Horace Mann in Massachusetts, Hickox in Pennsylvania, and Lewis and Guilford in Ohio. The movement is indeed a profound and widespread revival, extending from the Potomac and the Ohio to the Rio Grande. Every political platform has now a very broad common school plank. No public man now dares get across the track of the children's express train, The professional classes are falling in, and only political "moss-backs," social exclusives and the most irreconcilable section of the clergy are found in open dissent. I am confident that no people ever did more good work in the establishment of education, in ten years, than the people of the South. And now that their proverbial enthusiasm and pride are so largely enlisted in the good cause, there is reasonable hope that all will be done which their circumstances will justify.

And if it be still asserted that the common school Jordan, down South, is, notwithstanding, "a hard road to travel," I reply that the cause of popular education has not yet "free course," neither is it altogether "glorified" even in the most powerful States of the North. Every great northern city still wages war

against the ecclesiastical, social, political and financial enemies of the schools. Through vast regions of our oldest States the country schools are behind the age and fail to give the instruction the people have a right to demand. New York, Brooklyn, Philadelphia, Chicago, Cincinnati, and scores of smaller northern cities, are breeding legions of the most dangerous kind of young savages who never see the inside of a school-house. It is nowhere very easy to keep popular education up to a high standard. Any son of New England who was brought up amid the quarrels and factions of the old-time school district, should be ready to do justice to the prodigious effort that, in ten crowded years, has planted, over a country as large as civilized Europe, among eighteen millions of people, a system of free education, in many localities more effective and progressive than the new people's schools of old England today. Indeed, our new Virginia established her first effective system of free education during the same years ('67 to '70) that witnessed the great revival which resulted in the new public school system of old England.

But all this is only the beginning of good things, and the best our friends of the South can do for themselves is miserably inadequate to the needs of those great States. The most reliable authorities on the ground declare that thirty millions per annum would be a moderate sum for the schooling needful under the circumstances. The cities of Charleston, Richmond, Atlanta, Nashville, impose a tax for education that would not be tolerated in many of our old wealthy towns in New England; yet in all these growing cities, thousands of children cannot gain entrance into the schools. The census of 1880 places this destitution of educational opportunities before the people in a way that should awaken attention in every part of the country. Although there has been progress, especially in the cities and large towns, during the past two years, but little headway has been made in the region where the vast majority of the Southern people live, the open country. Here is the strong hold of ignorance, and here the poverty of the people seemed to forbid any great advance in supplying the means of education. And here is the seat of the dangerous elements and influences which are already exciting the apprehensions of the thoughtful classes at home, and have brought them to us imploring the aid of the nation. Here are some of the figures:

Percentage of Illiteracy in Persons over ten years old.

	White.	Colored.
Alabama	25	80
Arkansas	25	75
Florida	20	70
Kentucky	22	70
Georgia	23	81
Louisiana	19	79
Mississippi	16	75
North Carolina	31	77
South Carolina	22	78

The Southern people need at least twice their present amount of funds; twice the amount it is reasonable to expect they can raise at present, to establish an effective system of schools, for six months in the year through the open country, and eight or nine months in the county towns and cities. And this they need for elementary education alone, leaving the secondary and collegiate training to be provided for as may be, until the day of better things.

It would seem incredible that a body of men so generally intelligent and well-meaning as the majority of our members of Congress undoubtedly are, could sit through a session of six months and not be attracted by this fearful wrestling match of half the Union with that popular ignorance, superstition, and vice which is the Giant Despair of the Republic. Just as these educational bills should have come up for action, the House of Representatives, last winter, fell into a dead lock over contested seats from the southern States, and spent weeks in unseating members declared elected by fraudulent practices, and exposing the abuses of the suffrage in the district from which they came. At the end of this conflict neither party was in the mood to take counsel together for the children, although it was possible to unite in sweet accord to push an unusual appropriation for questionable internal improvements, and to spend the closing hours in futile attempts to grapple with the subject of revenue, and to reduce the sum for printing the reports of the Bureau of Education, and protecting the lives of seamen on our coasts.

There is certainly no apology to be made for the corruption of the franchise anywhere; but we may as well open our eyes on the situation and talk sense in this matter of corrupt political methods, as stultify ourselves by partisan recriminations. And the wonder is that a body of men so thoroughly acquainted with the "dark ways" and "vain tricks" of the political world, as our Congres-

sional fathers, should fail to see that a disease so deeply seated in our popular Constitution as the degradation of the franchise, can never be cured by the present method of unseating members, or sweeping assessments to support political combinations to build up any party in any portion of the Union. This malignant disease is caught from the miasma of the great slough of ignorance, superstition, credulity, and vice, at the bottom of American society. It is by no means certain whether the deepest abysses in that black sea are on the plantations of the South, or in the metropolitan cities of the North. Certain it is that every State and neighborhood has a district flooded at high water, and even the wilds of Oregon, the Adirondack wilderness, and the Aroostook woods, pour forth their local streams of filth to feed this hateful gulf of death. And everywhere the effect of this debasement of the voter is the same. Every ignorant, superstitious, credulous and vicious voter in America is a carcass covered by a flock of political buzzards; a temptation to all but men of the most stalwart virtue to conspire to use him for the basest uses of private and public life. And no Anglo-Saxon people ever did, or ever will, submit to be governed by an inferior class or race; even though that class be a numerical majority, and held up by the entire force of the national government. In some way the vote of that incapable majority will be evaded, revised, or overpowered and the State or city will finally be ruled by the people in whom the "weight of the meeting" resides.

These methods vary according to the temper and habits of different localities. The leading New England States offer a free education to every child, with ample provisions for the instruction of unlettered adults; so that no man has a valid excuse for extreme ignorance; and then protect themselves by making the ballot conditional on intelligence and a poll tax. The great cities of the North, beyond New England, periodically fall into the hands of "rings" that represent the rabble, and are only saved from political anarchy by an occasional rally of the respectability to restore things to a temporary situation of comparative honesty and safety. Every sharply contested political campaign in the central, western, and Pacific States closes amid the mutual angry recriminations of rival parties charging wholesale fraud, too often with a dangerous basis of truth. The Pacific coast, last winter, forced the country to prohibit the emigration of the Chinese, in anticipation of the same danger.

Through the Gulf States, where the majority of the voters are notoriously incompetent to cast an intelligent ballot, the same result is accomplished by methods in accordance with the political and social habits of the people, but with no more criminal intent, and, probably, with less danger to the country than by the more refined methods of the North. *In all portions of this Union, it is practically impossible for the leading classes to submit to the governing of great, wealthy cities and States by the lower class of voters.* And while that class is as formidable as now in the South; even in old Kentucky a third, in other States a half, in South Carolina a considerable majority, of all the voters; the temptation to override the illiterate vote, which, after all, only represents the purpose of shrewd partizan leaders, will be too strong for ordinary American nature to resist. The best men in all the States do and will deplore and denounce this growing evil. But saints don't walk in brigades, even on Boston Common; and in dealing with an evil of this nature the only practical question is: Will the average American politician resist the temptation offered by an illiterate voting class, that, even in half the northern States, holds the balance of power, and, though the Union is able, with proper manipulation, every four years, to reconstruct the national government?

There is only one truly American way to lift the ballot box above the slough where it now lies imbedded; the gradual elevation of the majority of the voters by the education that, in time, will qualify them for intelligent and honest citizenship. Our great hope of the South, today, is that its representative public men and superior class are "solid" in urging the general government to aid in working this highway towards national reconciliation and the peace that only comes from freedom, justice, and obedience to law. The Democratic convention of South Carolina, last session, nominated for Governor one of the most accomplished educators and purest men of his section,—since elected Governor of that State; and proposed and placed this resolution on record before the world:

VI. The extension of the franchise, as a political result of the late war, has enlarged enormously the number of present and prospective voters requiring education in the public schools. The burden was increased, while the ability of the State to bear it was diminished. The Federal Government, by liberal appropriations from the treasury on the basis of illiteracy, should help the South-

ern States to cure the evil of non-intelligent suffrage. A National danger calls for National action and National aid.—*South Carolina Democratic Platform, 1882.*

In the face of such demonstrations, I must conclude that the public man who resists or evades that appeal, on the ground of any political difference with, or even well-proven habits of political unrighteousness in, the South, is like the doctor so lifted up with ideal notions of professional science, that he declines to prescribe for his patient till he is out of bed, and beyond the need of his curative skill.

The one thing needful is to bring our servants at Washington up to a fair and full discussion of this great act of statesmanship. A week's consideration in Congress will bring out the reasons for the measure so fully, and so arouse the conscience of the country, that no great man or party will dare to wreck the bill on any question of detail of administration. We certainly need $10,000,000 a year, for at least five years, fairly distributed and used for the elementary schooling and the training of teachers, according to the measure of illiteracy in all the States. It will do no harm to the great commonwealths of the North to accept their share of the endowment, and use it at the primary and industrial end of their system of schools. The benefaction will come like the bread and water of life to sixteen States; for over a realm of thousands of miles, among several millions of children and youth, it will enable the friends of the public schools to root that blessed institution firmly in the hearts and habits of the people, so that they never more will let it go. Ten years, perhaps five years, of such national aid and comfort, with the great awakening of popular sympathy, interest and helpfulness that would accompany this gift through the North, would fairly launch that immense region of our country on the flowing tide of universal education. And out of that training of the whole people would arise, in time, the needful reform in the secondary, the higher and professional education; the growth of a superior journalism; the gathering of libraries; habits of reading, with an American Southern literature. And from this would grow that expansion, purification and refinement in the peoples' home; that broadening and spiritualization of the church; that Christian public spirit and harmonizing of race and class, for which the noblest people through all these States are longing and toiling today.

(PROCEEDINGS OF THE UNITED STATES SENATE, JAN. 3, 1883.)

SENATOR BLAIR. I present a petition of the American Social Science Association, praying for appropriations from the National Treasury for the promotion of common-school education throughout the entire national domain, to be distributed upon the basis of illiteracy. As the expression of this Association is from gentlemen whose opinions are entitled to the very highest consideration, and who are representatives of the cause of education throughout the entire country, I ask that their petition, which is very short, be printed. It is signed by the president, Francis Wayland, and by F. B. Sanborn, secretary. Attached to it is the list of the officers of the Association, which I should like to have also printed, as it is very short and shows the prominence and the universal distribution of these representatives of that cause.

The petition was ordered to lie on the table and to be printed in the Record, as follows:

AMERICAN SOCIAL SCIENCE ASSOCIATION,
Boston, December 28, 1882.

To the Senate and House of Representatives in Congress assembled:

The American Social Science Association, impressed with the danger involved in the existence of a large number of illiterate voters in the population of this country, as revealed in the last census, for the proper enlightenment of which class of voters many of the States are unable to make adequate provision: and believing that a government resting on the suffrage of the majority of the people can not preserve itself from corrupt influence nor secure a high degree of civil freedom unless education is generally diffused among all classes of voters; and further believing it to be within the constitutional power of Congress to provide in this manner for the safety of the Republic, and that the enfranchisement of the freedmen imposes an especial obligation upon the Government to qualify them for a safe discharge of the new duties devolved upon them; would earnestly pray that your honorable body will take prompt and efficient measures to avert these dangers; that money raised from such sources as your honorable body may, in its wisdom, deem best, shall be distributed, for a limited period, to the common schools of the States and Territories, on the basis of illiteracy, and in such manner as shall not supersede nor interfere with local efforts, but rather stimulate the same and render them more efficient; said moneys to be distributed under such guarantees as shall secure their application to the object herein named, with equal justice to all classes of citizens.

Prepared by order of the American Social Science Association by the Council of the Association.

Attest:

FRANCIS WAYLAND, *President.*
F. B. SANBORN, *Secretary.*

THE DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND CHINA.

BY PRESIDENT ANGELL, OF MICHIGAN UNIVERSITY.

(Read Thursday, Sept. 7, 1882.)

Our diplomatic relations with China began with the negotiation of the Cushing Treaty in 1844. That treaty was made possible by the so-called Opium War. Whatever condemnation we may pronounce upon the British for their part in that war, we must remember that we entered China in peace because they had entered before us by war. It is very probable that, even to this day, peaceful requests alone would not have opened the gates of China to the Western world. No one who has lived in China long enough to understand the temper of the lettered class, the gentry and most of the officials, can doubt that, if it were practicable, those classes would gladly see the foreigners as rigidly excluded as they were prior to 1842.

Perhaps in all Mr. Cushing's diplomatic career, no task of his was more admirably executed than the Treaty of Wanghia. It formed the model for the treaties which several European powers subsequently made with China. Its leading features were as follows:

1. It made all needed arrangements for carrying on trade and commerce at the five principal ports.

2. It provided for the trial of the cases, in which American citizens were defendants, in our Consular Courts.

3. It secured protection and aid for our seamen wrecked at other places than the five ports.

4. It contained the assent of the Chinese government to our employment of Chinese teachers, which had often been denied.

5. It secured the privilege of procuring sites for business, and also for hospitals, churches and cemeteries.

6. It declared opium contraband, and left Americans dealing in it to the tender mercies of the Chinese authorities.

7. It fixed the tariff on imports and exports, of course following the rates secured by the English.

8. It gave us, under the most favored nation clause, the advantage of future concessions to any nation.

There was nothing in the Treaty concerning residence of an

American Minister at Peking, or concerning the admission of a Minister to audience of the Emperor. Nor was there any stipulation concerning the treatment of Chinamen in this country. Of course, under our laws, there was nothing to prevent a Chinaman from coming, and enjoying the same protection as other aliens. But it was not then supposed by any one that the children of the Middle Kingdom would think of leaving their favored land for the country of the red-haired devils and barbarians.

All the treaties made at this period were doubtless assented to by the Chinese as the best means of disposing of the foreigners for the time.

The various Commissioners who succeeded Mr. Cushing for the next dozen years were largely engaged in sailing up and down the coast in attempts, for the most part vain, to find any duly accredited official with whom they could transact public business. When they did have the luck to ensnare one, it was, generally, to become victims to those arts of delay and evasion in which the Chinese statesman is *facile princeps*.

It having been provided in the Cushing Treaty that after twelve years it might be revised, Mr. William B. Reed was sent out as our Minister, with authority to negotiate. The facts show that it is extremely doubtful whether he could have found any one to negotiate with, or at least any Chinese Minister ready to negotiate, if the English and French had not knocked down the Taku forts and so opened the way to Tientsin. Mr. Reed entered quietly by the road which the British and the French made ready for him, and negotiated with the envoys whom the Emperor, alarmed for the safety of his capital, had, in his fright, sent down to Tientsin.

Mr. Reed's Treaty is in its main features little more than an expansion of Mr. Cushing's. Its leading provisions with the Conventions are,

1. Detailed commercial arrangements, supplying wants which experience had developed, and modifying the tariff.

2. Convention for paying American claims, amounting to some 500,000 taels.

3. Provision for admitting opium by payment of duty.

4. Securing toleration for Christians, native as well as foreign.

5. The opening of two more ports, Taiwan in Formosa, and Ningpo.

6. The right to visit the capital yearly, confer with the Privy

Council, and to reside there, when the privilege should be granted to any one.

Apparently, at the time of this negotiation, 1858, no thought was entertained of the emigration of Chinese to this country.

How little desire the Chinese had to admit Ministers to the capital was seen when, in the following year, the foreign envoys started to ascend the Peiho. They were all told to go to Pehtang, ten miles north, and proceed on board. Mr. Ward, the American Minister, complied, but was received in a manner not calculated to encourage other Ministers to imitate him.

It was not until the British and the French forced their way into Peking at the point of the bayonet, that an American Minister gained the privilege of residence at the capital, and, finally, of presentation, under most unsatisfactory conditions, to the Emperor.

Ten years after the negotiation of the Reed Treaty, namely, in 1868, Mr. Burlingame, who had represented us most ably at the Court of Peking since 1861, arrived at Washington, at the head of an Embassy from China. The Chinese government had apprehensions that some of the European powers were about to insist on treaty stipulations with them of a more undesirable character than those which China had unwillingly accepted at the cannon's mouth. The idea was suggested to them, and quickly adopted, of sending out an Embassy, partly composed of foreigners familiar with diplomatic procedure and with western life, to prevent this evil. Mr. Burlingame, who by his sincerity and skill, and valuable counsels to the Chinese Minister had commended himself to them, was wisely placed at the head of the Embassy. The enthusiasm with which he and his associates were welcomed in this country is not yet forgotten. The treaty which is usually known by his name was speedily negotiated. If I have been rightly informed by those who ought to know, that treaty was made, not at the request of Mr. Burlingame, or of the Chinese Government, but at the request of Secretary Seward. He suggested that the negotiation of a new Treaty with us would aid Mr. Burlingame in his negotiations in Europe. The important stipulations in the Treaty are as follows:—

1. China's right of eminent domain over the so-called foreign concessions was distinctly recognized.

2. Any privilege in respect to trade or navigation, not expressly granted, shall be subject to the discretion of the Chinese Government.

3. China may appoint Consuls to the United States.

4. Citizens of either country shall have complete liberty of conscience in the other.

5. Recognition of free migration from one country to the other, and reprobation of any other than voluntary emigration.

6. The most favored nation clause in respect to immunities of citizens in each other's countries, but naturalization not thereby conferred.

From some cause, I am not able to say what, the Chinese Government was very slow to ratify this Treaty. It held it several months under consideration. Sixteen months elapsed between the conclusion of the Treaty at Washington and the exchange of ratification at Peking.

For some years after this, nothing occurred which seemed to call for any further modification of our Treaties with China. But gradually the emigration of Chinese laborers to the Pacific States, which had been at first warmly welcomed, began to be a cause of solicitude, disorder, and wide spread discontent in those States. The feeling of opposition to their coming increased very rapidly. It led to disgraceful legislation against the Chinese by the Californians, and to still more disgraceful treatment of them by the roughs and hoodlums of San Francisco. But it is a very great and a very common mistake in the East, to suppose that the opposition to the continuance of unlimited immigration from China has been cherished or stimulated only by the Dennis Kearneys, and other sand-lot orators of his ilk. A large proportion of the most serious and right-minded citizens of the Pacific States came to believe that the public welfare required that some check should be put upon this coming of the Chinese laborers. Finally, this belief became strong enough to secure the passage of the Fifteen Passenger Act, which forbade any shipmaster to bring more than that number of Chinese in one voyage to our shores. This was clearly in contravention of the Burlingame Treaty, and the veto of President Hayes prevented it from becoming law. The situation was growing critical. There was, perhaps, danger that some other law in violation of our Treaties might be pushed through over a veto. In that case, retaliation on our merchants and missionaries in China might have followed.

The President therefore proposed to Congress that a special Commission should be sent to China to confer with the Imperial Gov-

ernment upon the emigration question and other matters of common interest and to secure such revision of our Treaties as might seem wise and practicable. Congress promptly made provision for the purpose; and three Commissioners were named by the President. They reached Peking in the latter part of September, 1880, and were very courteously received by the Prime Minister, Prince Kung and his associates, the Ministers of the Foreign Office. Two of these Ministers were specially appointed as Commissioners, but, as a matter of fact, the other Ministers were always present at the Conferences, and took quite as active a part in the business as the Commissioners. Contrary to their usual custom in negotiations the Chinese were so prompt and ready, that two Treaties were completed within forty-eight days from the first business interview of the Commissioners.

One, which served to modify the Burlingame Treaty, concedes to the United States Government the right to regulate, limit, or suspend, in a reasonable measure, the coming or residence of Chinese laborers, whenever, in the opinion of the Government, the coming or residence affects, or threatens to affect, the interests of our country, or to endanger its good order. It permits Chinese to proceed to the United States as teachers, students, merchants, or from curiosity, and to take their body and household servants, and reserves to the Chinese now here all the rights and privileges that they have enjoyed, or that the subjects of the most favored nation enjoy.

The other Treaty forbids the citizens of either nation to trade in opium in the domain of the other; prohibits discrimination on the part of either nation against the other in respect to tonnage dues, and duties on imports or exports; and makes provision for trying cases arising in China between Americans and Chinese, in the court of the defendant's nationality; and secures to the Consul or other proper official of the plaintiff's nationality, proper facilities in the court for watching the proceedings and examining witnesses.

It has been reported that the United States Commissioners secured the Immigration Treaty by acceding to the request of the Chinese to prohibit Americans from engaging in the opium trade in China.

It is due to the Chinese, as well as to the American Commissioners, to say that the report is utterly untrue. The courtesy and the delicacy of the Chinese, in this regard, were so marked that I

am glad of this opportunity to state the exact facts concerning the negotiation.

Not until the terms of the Immigration Treaty were fully agreed on was a word said on either side concerning any other subject of negotiation. The Chinese would have violated diplomatic usage in no regard, if they had said, in reply to our request concerning the regulation of immigration, "we will make you some concession, provided you will help us in our attempt to check the importation of opium." They might properly enough have attempted to make some kind of a bargain with us. But they did not. When we had completed the first Treaty, they politely asked permission to submit to us one or two points for our consultation. These proved to be the dues and duties question, and the opium trade. The judicial article was added by us, and so the treaty was speedily completed.

From this brief review of our treaties with China, it is seen that they have not been, as none of our treaties with Oriental nations at present can be, strictly reciprocal treaties. The Chinese have enjoyed much larger privileges here than Americans have in China; while we, in turn have secured some rights there which are denied to the Chinese here. They have been free to engage in all lawful pursuits anywhere in our territory, while we have been permitted to trade only at a few ports in China; at first five, but now numbering nineteen. We lay whatever import duty we please on goods from China, while they are forbidden to raise the duty which has been fixed by treaty. On the other hand, by heavy assessments on goods in transitu to the interior, they greatly limit their markets for our exports. The Chinaman in our country is tried by our courts. We refuse, and justly, too, to submit our citizens in China to the brutal procedure of Chinese courts. There are some grave practical annoyances in our relations with the Chinese Government. Let us notice a few:

1. Like other nations we have stipulations with them by virtue of which, goods which have paid the import duty may be forwarded to their destination inland by paying another duty half as great as the import duty. If a transit certificate is not obtained and the half duty paid before the goods are dispatched inland, they are liable to be stopped every few miles, at customs barriers, and to be heavily assessed. Now, so great is the greed and the corruption of the officials, that even when the transit certificate has been

procured, it often happens that the goods are levied on at these barriers, and are thus burdened with an exorbitant tax. So heavy is this oppression on inland trade, that at no great distance from the ports the price of goods is carried up to a height which destroys the market. Consular complaints are not always heeded. The legations at Peking are called on to intercede with the Imperial authorities. These send down to the Provinces for information. By the time the reply comes, weeks have elapsed. If orders are sent to the provincial officers to correct the abuse, still delays and evasions are multiplied; months go by; the market is lost; and redress for the damage is difficult to procure. The merchants, the Consuls, and the Ministers are kept in a constant state of irritation from this flagrant abuse. Negotiations have long been going on to see if by paying a heavier import duty, goods may not be freed altogether from inland dues. Whether, if treaty engagements to that effect should be made, the Chinese could be held to a more faithful execution of them than of the present transit regulations, is of course somewhat doubtful. In truth the wide-spread venality, corruption and greed of the Chinese officials, testified to in the reports of the government itself, form a most serious obstacle to the remedy of this grievous trouble to foreign merchants.

2. Again, the local officials are often very derelict in failing to bring to justice those who have done violence, either to the property or the persons of our citizens. The simple truth is, that the overwhelming majority of the people do not wish us there. It is therefore easy for those who assail our citizens to escape. It is easy for the officials to avoid detection when resorting to equivocation and evasion. If they are finally pressed by the Imperial Government so that they must seem to do something, they are then ready with their favorite device of hunting up some poor beggars who for a small sum consent to receive punishment, while the guilty men escape altogether. It is generally a long and tedious, and often an apparently unsuccessful effort which our Consuls and our Minister make to get justice done to the men who have destroyed property, or wounded or slain our citizens.

3. Another difficulty which we in common with other foreign powers experience in transacting business with the Foreign Office, is found in the relation of that office, on the one hand to the Provincial Authorities, and on the other to the Emperor. The Chinese government has some of the weaknesses of our old Confederation.

The requisitions which the Imperial Government make on the Provinces are not always obeyed. The power or the desire, to enforce obedience seems often lacking. If a foreigner has been harmed in person or in property in any Province, it is not difficult to obtain an order from the Foreign Office to the Governor of the Province that justice be done, but to get justice done is a very difficult thing. If a new trade negotiation, or a commercial amendment to a treaty is proposed, the Foreign Office will refer the question to the Provincial Authorities, and with rare exceptions, will report that there is so strong opposition to it that they cannot undertake to sanction it. If they do not wish to adopt the suggested changes, the real or supposed opposition of the Provincial Authorities, who are as a rule opposed to any change, is a sufficient excuse for rejecting it.

If the proposition of a change cannot well be disposed of by referring to Provincial objections to it, there is one other refuge from your arguments. You will be told that the Emperor does not approve of it. As he is a mere child, it is pretty safe to assume that this means that the Foreign Office itself does not wish it. But between this Scylla and Charybdis, the opposition of the Provincial officers, and that of the Emperor, nearly any suggestion of a change is pretty sure to be wrecked.

The opinion of those best informed is, that at the present time the Imperial Government can generally enforce compliance with its commands upon most points, if it will earnestly make the effort. But it is usually reluctant to brave a strong public sentiment in any locality, in order to do justice to an injured foreigner.

The transaction of diplomatic business with China, therefore, calls for the exercise of a great deal of patience and forbearance. But China feels, and not without reason, that the conditions in which she maintains her relations with foreign powers, including us, are not without hardships for her.

Our Commercial Treaty of 1880 frees us, as Mr. Cushing's Treaty of 1844 did, from the reproach of the opium trade. Since the negotiation of our Treaty, Brazil and Russia have bound themselves by obligations similar to ours. There can be no doubt that China would be glad to cut off entirely the importation of the drug, and hardly any doubt that if Great Britain could be induced to imitate our example, all other nations would do the same.

It has been said that the insertion of the anti-opium article in the Treaty of 1880 was a piece of foolish sentimentality, injurious to

our commerce, and of no service in preventing the importation of opium into China. To this it can be replied that the injury to our commerce is very slight, since most American houses of character and standing had voluntarily abandoned the business, and, further, that the moral influence of our example promises to be helpful to China, as is shown in the course of Brazil, which had previously declined to assent to an Article like ours.

But it is said still further in the way of criticism of the Treaty, that China now raises larger quantities of opium, and that she wishes to cut off importation, not to prevent the use of the drug, but to secure all the profit of raising and taxing it.

In reply to this I can do no better than to quote the words of the Prime Minister of China to me in our last interview, when he said, in substance: "It is, of course, difficult to deal speedily and satisfactorily with the Opium Question. The profits on it are so large, the passion for it is so strong, that it is not easy to stop the growing and use of it. So long as foreign nations are allowed to import it in unlimited quantities, it is, of course, useless for us to try to suppress it. But if we can stop the importation, I assure you it is the fixed purpose of this government to try to stop the growth of it, and we believe we can do it. You may state that in as strong language as you can frame."

When one sees the terrible destruction of property, happiness, and even of life, which the use of opium causes in China, and hears such language from its highest Minister as that I have quoted, one must be differently constituted from myself, and, I believe, from the great mass of the American people, to say that, in answer to the solemn and earnest request of the Chinese Government that we abstain from participation in this nefarious trade, we should have given any other answer than an emphatic AYE.

The Chinese feel that it is a hardship that the maximum duty which they can lay upon imported goods is fixed by treaty, and is fixed at a very low rate. We have shown our appreciation of the hardship in the case of Japan, by negotiating a more generous treaty with her, to take effect when other nations will take similar action. If China will free goods from the oppressive taxes to which they are subjected in transit to the interior, we may well assent to a rise in the import duties on our goods.

The Chinese chafe under the ex-territorial jurisdiction which we, in common with all other Western powers, exercise in her

territory. It must be confessed that it puts a hard strain on the good nature of a people and a government. When Prince Kung was once asked why our citizens should not go safely and freely everywhere in China and carry on trade, he is said to have replied: "One trouble is that whenever one of them has given any offence, the authorities of China cannot deal with his case. He pulls the American Statute Book out from under his arm, snaps his fingers in the face of the officials, and says, 'I am to be tried only by this law, and by my Consul.' And this is very irritating."

The appointment of merchants as Consuls was particularly objectionable. It must be confessed that the proceedings of some of our Consuls a few years ago in China, were not such as to be remembered with much pride. Our judicial system in China and Japan could easily be improved, and ought to be. Our Government ought, also, to take the utmost pains in the appointment of Consuls who are to exercise judicial power. This is its duty, whether in view of the interests of our own citizens, or in justice to the Chinese.

It is utterly impossible for us to surrender our ex-territorial jurisdiction in China until a vast change has been made in the judicial procedure of that land. But we cannot too thoroughly recognize our duty to exercise our judicial authority in the most just and careful manner; to make ampler statutory enactments for the government of our citizens there; to perfect our judicial administration; and to appoint Consuls who are fit to be judges in such cases as come before them.

I am glad to see that the subject of a proper exercise of ex-territorial jurisdiction in Oriental lands, has been engaging the attention of our own State Department, and of the *Institut de Droit International.* The paper presented to Congress a few months ago by the State Department, gives a most complete sketch of the legislation of the leading nations on this subject, and submits a draft of a law, in many respects admirable, providing for our discharge of judicial duties in China and Japan. If we are not prepared to set up so expensive a judicial system as that proposed in the draft, we may at least do as much as this in China. We may take pains to select Consuls competent to discharge judicial functions. We have now a Consul General at Shanghai, who, in addition to arduous duties in supervising Consuls, is compelled to discharge the ordinary duties of Consul at Shanghai, including

a large amount of important judicial work. I would suggest that we appoint a Consul, or a paid Vice-Consul, to attend to the consular duties, except the judicial, and that the Consul General be an Appellate Judge, to whom cases might be carried up from the consular courts. He might retain a general supervisory power over the Consuls. By adding only one man to the present staff, and appointing a Consul General with regard to his judicial ability and learning, we could meet our obligations to our own citizens and to China in a becoming manner.

The question which, for the last few years, has seemed most seriously to threaten our relations with China, has been the immigration question. The passage of the Fifteen Passenger Act, and the discussion which followed the veto of it, showed that there was great danger that some similar bill in contravention, as has been said, of the Burlingame Treaty, would be passed, or that the Treaty itself would be abrogated. President Hayes and his advisers, therefore, thought it wise to see if, by conference with the Chinese Government, some amicable solution of the problem could not be reached. No great difficulty was found in securing to our Government the right to regulate the immigration of Chinese laborers in a reasonable measure. Indeed, the British Australian colonies, in which the same opposition to unrestricted immigration of Chinese laborers had been developed as in our Pacific States, have without any special treaty arrangements, and without any complaint thereof on the part of China, practically excluded them by heavy capitation taxes, there are no facts to show that the Chinese Government is desirous that its subjects should emigrate to foreign lands, or that it will cherish any hard feelings towards us under a reasonable execution of the Treaty of 1880.

That it is possible that Chinese laborers may, if unrestricted, come to us more rapidly than is well, either for them or for us, is certainly true. Reason about it as we may, I believe the fact will be found constant, that if they are brought rapidly, in large numbers, into any Western country, there will be unpleasant friction between them and the Western people, as there has been in the Pacific States, in Australia, and as there is beginning to be in British Columbia.

In my opinion, if one-eighth of the population of Boston, or of Liverpool, or of Lyons, or of Hamburg, were Chinese, as at times one-eighth of the population of San Francisco has been, if these

Chinese were for the most part without wives, or what we should call homes, remained ignorant of the language of the country, took no interest in the civic, social, or religious life of the land, by dint of living in a style lower than we can desire any western laborer reduced to, gained possession of the common labor, and of not a little of the simpler mechanical labor, and after five or seven years withdrew to make way for another instalment of Chinese to do the same thing, there would be much the same opposition to them, in any one of these cities, which exists in San Francisco. The problem of harmonizing so alien a civilization as that of China with ours is probably more difficult than we in the East have supposed, and a certain degree of caution, not inspired by narrow hatred, but by a sincere, and humane, and generous regard for the Chinese themselves, as well as for our own countrymen, will prove to be wise. I therefore believe that we ought to have the right which our Treaty gives us to regulate, limit or suspend Chinese immigration in a reasonable manner, but that we ought to exercise that right with moderation and justice, and only under the pressure of stern necessity.

But I am not convinced that so stringent a bill as was passed at the last session of Congress was needed, if any was needed now. A suspension of five years would have been quite long enough to make clear the effects of such legislation. If longer suspension were required, it could then have been secured. The industries, and especially the household work of California, have to such an extent been dependent on Chinese labor, that, if there is a considerable reduction in the Chinese population, I shall not be surprised to hear Californians asking for more Chinamen within ten years.

The Act ought also to be amended so as to allow the right of transit to the Chinese in Cuba, and in Peru, who wish to pass through our territory on their way home. But I do not believe that the Act as it stands will cause any serious trouble between the two nations.

It is certainly for the interest of both China and the United States that their relations should be cordial. Our commerce with her, though small compared with England's, is of consequence. I indulge in no extravagant expectation of its rapid increase, though if properly fostered it should have a steady growth. Our cotton goods, our petroleum, and our lumber ought to be gaining wider

markets there. But we must not expect any rapid change in the wants or habits of the Chinese. They do not want our labor-saving machines, because they do not want to save labor. They do not want our steam engines and mining apparatus, because they are not yet ready either to build railroads or to open mines. Their philosophy and their education teach them that true wisdom lies in adhering to old ways. Their presumption is that the new is worse than the old. We need to follow a policy of kindness, but of firmness, with them. It is a mistake to suppose that firmness is not quite as needful as kindness in dealing with these Eastern peoples. We should press them earnestly to relieve inland trade of the burdens which now oppress it. We should convince them that we are ready to relieve them of the restraints which the Treaties lay upon their control of their own territory just as rapidly as the safety of the property and lives of our citizens will allow; and we should spare no pains to make our ex-territorial jurisdiction as just and effective as possible.

Upon the whole, our diplomatic policy towards China has been from the beginning such that we need not fear to challenge an investigation of our record. Whether we have fared better at her hands than those nations which have pursued a more violent policy may, perhaps, be questioned. But we should be false to our traditions if, on that account, we should change our course. Firmness, patience and watchfulness must guide us in the future as they have guided us in the past.

PAPERS OF THE
JURISPRUDENCE DEPARTMENT.

[For convenience in printing, the Papers of the Education Department, following the Address of Mr. Mayo, are postponed till after those of the Jurisprudence Department.]

I. PROFESSIONAL ETHICS.

A PAPER BY THEODORE BACON, ESQ., OF ROCHESTER, N. Y.

(Read Thursday, Sept. 7.)

I suppose a subject does not necessarily become unworthy the notice of students of social science by having been already discussed to confusion and weariness. To contribute anything really new to the study of the ethics that should govern the members of the legal profession, would be an achievement in moral philosophy fit for an Epictetus or a Bentham. But if there ever was a time and place that could afford to be indifferent to the conduct of its lawyers, or to the principles governing their conduct and expressed in it, that time and place certainly are not the United States of America, and the last quarter of the nineteenth century. Beyond any other nation of the earth, beyond any other period in the history of this nation, not our jurisprudence only, but our legislation, our administration, almost our social order itself is controlled or created by lawyers. The saying is almost too familiar to be repeated, that when Peter the Great visited Westminster, he learned with wonder that some scores of oddly apparelled persons whom he had curiously asked about were lawyers. "What! all these lawyers?" was the autocratic exclamation; "I have but two in all my dominions, and I intend to hang one of them as soon as I get home!" Yet it is hardly extravagant to say that as far as the English bar of two centuries ago surpassed in number the jurisconsults of Muscovy, it is now outnumbered by the prodigious swarm whom American institutions have called to the function of aiding the administration of justice. In our population of 50,155,783, as it was numbered two years ago, there were 65,000 lawyers, or one in every 782 of men, women and children. But what is of more significance than even this ratio is the fact that the ratio is an increasing one; for ten years before there was but one lawyer to every 946 persons in the population. Nor yet does this growing numerical statement express, even approximately, the influence upon American society of its lawyers. Contemptible, and beneath contempt, as a considerable proportion of these may be, either in juristic learning or in general attainments, yet a larger share today, probably, than ever before, of the intelligence, the intellectual force, and the civic activity of the community is found in the ranks

of this vast and semi-organized army. Whether it be true or not that the various religions have lost in any degree their hold upon the national mind, the authority of the clergy, of whatever church or sect, is unquestionably less, while the influence of the bar is probably greater, than a century or a generation ago. Not merely for the proper prizes of learning, of tact and of persuasiveness, but because of the manifold indirect advantages for the attainment of wealth, social standing and public office afforded by membership in this professional class, there crowd into it continually increasing numbers of ill equipped and undisciplined recruits. And while this constant influx is swelling the volume and by no means clarifying or elevating the tone of the class, there has become obvious at the same time a relaxation on the part of the laws and the courts of the discipline which once controlled, however inadequately, a body far smaller, far more select and far more amenable to reason and to public opinion.

Here, then, in a country without an aristocracy of birth, is a class upon which have devolved, or which has assumed, the functions belonging to an aristocracy wherever one exists.* In England, a half-dozen law lords among the five hundred peers, and hardly a larger number in the House of Commons, are the entire representation of the bar in the direct work of legislation. The magnificent services rendered by the French bar to liberty and enlightened progress have indeed brought it into the legislative body and the senate in considerably greater numbers than in England. Yet of all members today of the American congress not far from three-fourths are at least titular lawyers; and the proportion, though less, is yet very great in the law-making bodies of almost every State. The business of the country, at the same time, and especially such vast interests as are under corporate administration, are largely guided and controlled by men in active legal practice, or by men who have sought in a legal training the qualification for astute management of affairs. And even the current opinion of the people, as influenced by the periodical press, receives incessant and deep impressions from the direct control of journals by

*"*Pereant qui ante nos nostra dixerunt!*" De Tocqueville published "Democracy in America," in 1835; but it is not until these pages are in the printer's hands, that this passage is recalled to my mind: "If I were asked to place the American aristocracy, I should reply, without hesitation, that it is not among the rich, who are united by no common tie, but that it occupies the judicial bench and bar."

men of legal practice or legal training, or from their various co-operation in them.

It is no longer, therefore, now, if it ever was, a question that interests that class alone, by what ethical principles its members are to be governed. If a false morality is to be established among them as a standard of duty; if a lawyer's conscience or a lawyer's honesty comes to be a current jest; if it becomes customary in the community to excuse or palliate a crafty act or a disingenuous word because it was a lawyer's; it is not merely the legal profession that suffers from such moral debasement; the whole body of society must be contaminated by the noxious influence which touches it at every point, and permeates it by so many channels.

Yet who will be so enthusiastic as to maintain that the prevalent estimate of lawyers in the United States differs substantially, to their advantage, from that just stated as an hypothesis? If unswerving integrity, if ingenuous simplicity, are recognized by the community in the ranks of the legal profession they are regarded—let us not blind ourselves to this fact—as an incongruous interpolation in the normal type; the purity and ingenuousness are insisted upon by observers with an unflattering emphasis as virtues heightened by the adverse conditions in which they are found; and the friendly critic will most probably fall into the very phrase of an ancient epitaph, "An upright man, although a lawyer!" The dominant feeling would still be fairly expressed by Dr. Johnson's pungent saying, who answered an inquiry as to a person who had just left the room: "I do not wish to be calumnious; but it is my belief that the man is an attorney."

Now I shall not take this occasion to dispute the justice of these aspersions, or of the sentiment which they express. No one can have been for twenty years in active and varied legal practice without becoming convinced that the profession to which he belongs harbors within itself examples of as base, deliberate and ingenious depravity as any that, less favored by fortune or cunning, have gravitated into the penitentiary. He finds, moreover, on the part of those numerous members of the bar who cannot look upon meanness with any degree of allowance, and on the part of the bench which is nominally charged with the regulation of the officers who come before it, a half-sad, half-humorous *consensus*, as to the existence of such baseness and as to the perpetration of specific offences, and an altogether sad acquiesence in them, as beyond the

inadequate power of penal process to correct. Yet it may fairly be doubted whether all the unpunished rascalities of pettifoggers, shysters and barrators, all the devices of trials at *nisi prius*, all the bullying and tricking of witnesses, all the affidavit-mongering of the special-motion room, so much discredit in public opinion those lawyers who are innocent of them, as the principles which distinguished jurists have sometimes avowed as the proper basis for professional conduct. According to these principles, the general code of morals must be subjected to exceptions when applied to lawyers; an act which in a layman would be culpable, may be blameless or even commendable if committed in the character of an advocate or an attorney; and it is maintained that the due administration of justice depends on this subversion of ordinary ethical rules, so far as the relations of counsel and client are concerned. I think, indeed, of a recent case in which that doctrine was judicially applied. An insolvent, owning certain lands which he wished to withdraw from the reach of his creditors, conceived the idea of bringing about the transfer of title by the foreclosure of a mortgage which had been many years ago not only paid, but actually satisfied of record. By the active and ingenious instrumentality of his attorney, entering with enthusiasm into the scheme, a series of frauds upon the court and upon creditors brought it to apparent success. In the suit brought to expose and nullify the fraud, the attorney was charged as fellow-conspirator with all the rest who bore a minor part in it. So far as the other scoundrels were concerned the decree adjudged the conspiracy in the most explicit terms; but the unquestionably upright, although too kindly judge who granted it, upon its being made to appear that the attorney acted throughout only in his professional capacity and upon formal retainer, discharged him of all complicity in the fraud of which he was the most active and a thoroughly conscious instrument. This was, indeed, a new application of the rule that

> "That in the captain 's but a choleric word
> Which in the soldier is flat blasphemy."

Whether an appellate court might not have taken a severer view of professional duty may indeed be doubted; but it is not to be wondered that the plaintiff, having secured the substantial object of his suit, preferred to pay that defendant's costs as the price of a lesson in ethics which will permanently modify his views as to the morality of the legal profession.

I do not deem it important here to controvert the extraordinary proposition enunciated by Lord Brougham upon the trial of Queen Caroline. Put forth in the excitement of a most agitating process, by an orator in whom the moral sense was neither natively acute nor largely cultivated, and with an extravagance of expression which was far more characteristic of him than exactness of statement, it has seldom since been approvingly cited, unless by some advocate maintaining an unconscionable cause by reprehensible methods. "To save his client," he declares, "by all means and expedients, and at all hazards and costs to other persons, and among them to himself, is the first and only duty of the advocate; and in performing this duty he must not regard the alarm, the torments, the destruction he may bring upon others. Separating the duty of a patriot from that of an advocate, he must go on reckless of consequences; though it should be his unhappy lot to involve his country in confusion." Immoral and atrocious as the proposition is, when read in cold blood at the distance of sixty years, its fault is, after all, that it sought to express by means of an inaccurate generalization a suggestion which it was not convenient to utter in concrete form. To the tribunal before which it was uttered, to the prosecuting monarch, to the British public to whom it was in fact addressed, it meant no more nor less than this: Persist in this pursuit of a wretched and outraged wife, against whom, in the interest of a profligate husband, it is sought to subvert the laws of the realm, and those who are charged with her protection will not fear to attack her assailant; they will resort to the legal proofs of the prior marriage of the king with Mrs. Fitzherbert, by which he rendered himself legally incapable of succeeding to the throne which he has just usurped; neither our own personal risks, nor the inconvenience to the country of replacing him with the lawful sovereign, will deter us from that course. Thus interpreted (and this was the meaning the words carried to all minds then,) it may even be doubted whether they are not obnoxious to a very different criticism from that which has ordinarily met them. For if the threat conveyed also, as it might seem to, the intimation that an undisputed possession of the throne should be the reward of that abandonment of the prosecution which speedily followed, no keen casuistry is required to condemn such methods of sustaining even a righteous defence.

The popular mind in considering, as it delights in doing, the

duties and the faults of the legal profession, dwells most frequently and most severely upon two cases which probably give little concern to conscientious lawyers. The first is the problem of defending criminals known to be guilty. Now without the guidance of statistics, it is perhaps a liberal estimate that of all professional business in the United States in any year not over one two-hundredth part consists in the defence of accused persons, guilty or innocent. That is, if one lawyer out of two hundred gives himself wholly to that department of labor, the other one hundred and ninety-nine will be wholly relieved of the need of solving this question of morals; or if every lawyer should give the two-hundredth part of his time to this branch of business, it would receive a larger amount of professional attention than the present aggregate. To the vast majority, therefore, of the bar, the question of the defence of criminals is but an amusing speculation. But when it assumes a practical form, there are not many questions of casuistry more easily disposed of. The fallacy involved in the prevalent objection is in the notion that the interest of morality demands always the punishment of bad men. The error is a grave one. The interest of morality and of social order demands above all things that a bad man shall *not* be punished unless he has violated some law; and even that a known violator of law shall not be punished except by the forms of law. Those established and known laws, those fixed rules of procedure, are all that distinguishes the institutions of civilization from the savage cruelty of an oriental autocracy or the blind fury of a western lynching mob. Against any departure from them or disregard of them every bill of rights sets safeguards in its prohibition of *ex post facto* laws and bills of attainder. And every lawyer who interposes against an eager prosecutor or a passionate jury the shield of a strictly legal defence, declaring, you shall not hang or imprison this man, be he guilty or not guilty, until by the established course of procedure, by competent legal evidence, you have proved that he has offended against a definite provision of law—and that the precise provision which you have charged him with violating—is defending not so much the trembling wretch at the bar, as society itself, and the innocent man who may tomorrow be driven by clamor to crucifixion. If indeed, in the excitement of controversy, he quibbles with words or perverts evidence, he becomes himself an offender; but his offence is not that he defends a guilty man, but that he does what would not be honest if done on behalf of an innocent man.

Not very much more frequent, in actual practice, is the supposititious difficulty created by knowing one's client in a civil cause to be in the wrong. It can seldom happen to any honorable lawyer to know his client to be in the wrong. If the counsel is frankly informed by A, I have swindled B, and want you to help me keep the fruits of my fraud, either the counsel is an unconscionable knave, whose services are, for that reason, invoked by A, or he dismisses the proposing client so expeditiously that the relation has no opportunity to exist between them. Every lawyer, no doubt, becomes at times the adviser and assistant of a villain; but, if he be an honest one, he promotes his villany as innocently as the grocer who sells the supplies that keep him alive, or even the locomotive that draws him on his way to accomplish his designs. Many a lawyer, who has meant to keep clean hands and a pure heart, can look back upon this or that completed litigation and see that his client was both legally and morally in the wrong; but it is seldom that the incessant and fervent assurances of the client, the proofs and arguments which, all upon one side, he arrays before his counsel, have failed to keep him convinced, from beginning to end, that he must be in the right. A venerable jurist, of the finest sense of honor and the purest integrity, said to me, after fifty years of the most laborious professional life, that he had never but once thought his client in the wrong; yet, to my positive knowledge, he had advocated the causes of some thorough scoundrels.

It must sometimes happen, however, in every long career, that one entering upon a litigation in enthusiastic sympathy with his client, shall, with the progressive development of the case, find his ardor chilled by dishonoring disclosures. Even then it may well appear that his continued service will not be the active promotion of wrong; and if that is so, the only effect of the revelation may be that he will render no longer a sympathetic, but merely a faithful service. But if the new view of the man, and of his cause, has made it appear that his continued pursuit, or resistance, is but the attempting or the consummation of a wrong in which the advocate would have refused to co-operate if it had been made known to him at the outset, what then becomes his duty? I cannot accede to the position taken by an eminent and high-minded jurist, whose discussions of the general subject have largely contributed to elevate and strengthen the tone of the profession. Mr. Justice Sharswood says: "When he has once embarked in a case, he

cannot retire from it without the consent of his client or the approbation of the court. To come before the court with a revelation of facts damaging to his client's case, as a ground for retiring from it, would be a plain breach of the confidence reposed in him, and the law would seal his lips." (*Legal Ethics*, 28–9.) Undoubtedly he may not disclose the facts he has learned; and, without the consent of the client, or the permission of the court over-ruling the client's protest, he may not withdraw from the case. But it is inconceivable that he can be compelled to be an active and conscious accomplice in wrong-doing, simply because he has been entrapped into it under the pretence of an honorable service. If he presents to his client the unadorned statement: "I find that what you represented to me to be an honest cause, is, in fact, a contrivance to defraud your creditor or to swindle a family of orphans out of their farm; take your papers to some one who is in that line of business;" can it be imagined that the client will insist upon the continuance of service upon such a divergence of views? Or, if he carries his persistence so far as to drive his counsel to court with a motion to be relieved, was there ever a court which would meet his statement that, for reasons personal to himself, and which he was not at liberty to disclose, he desired to be relieved from further service, with a refusal to allow him to demit his charge? I cannot, therefore, distinguish between a case which honorable counsel ought not to undertake with a knowledge of its character, and a case which, once undertaken, turns out to be of such a character. Under either condition, the lawyer who enters it, or the lawyer who does not retire from it, is an accomplice in the wrong; and, if a cloud is cast upon the client's cause by the unexplained withdrawal of a lawyer of good repute, and the entrance into it of a successor of different character, it may be the misfortune of the client, but not the fault of the counsel.

Sometimes, indeed, the evidence of the client's wrong may first come forth, gradually but incontrovertibly, from the lips of an adversary's witnesses upon the trial. Unless it be, however, of absolutely overwhelming and unanswerable force, it may safely be said that the opposing counsel will be the last person in the court room to be convinced by it. Jury, judge and audience will succumb, and will make palpably futile even a disingenuous struggle against the facts, and the occasion will have come, if not for open surrender, at least for silent submission. And if, against the

convictions of his entire auditory, he continues hopelessly to wrestle with the proofs, he may merely be giving new evidence of the power of absolute prepossession to obstruct the operation of probative processes upon the mind.

The wise limitation of time imposed by the rules of the association forbids a reference to several specific topics connected with the general subject. I cannot, however, refrain from stating my dissent from that distinction which it has been sometimes sought to draw between the prosecution of a claim which, in Judge Sharswood's phrase, "offends the counsel's sense of what is just and right," and the unjust and unrighteous resistance to a just claim. It has been maintained that a lawyer may properly assist in the latter, when it would be unconscionable in him to aid in the former. I cannot so regard his duty. Take the case of a usurious claim. I know of no more barbaric provision of law than the atrocious forfeitures imposed by the law of New York for an agreement to take six and a quarter per cent. interest. In the forum of conscience, such an agreement must be as binding as one to take five per cent. For a man to violate it, having it in his power to perform it, is a dishonest act. But I cannot find it to be less dishonest to plead the defence, in an action on a usurious mortgage, than to bring suit to have the mortgage annulled for usury. In either case, the act of the party is unconscionable, and the counsel whom he calls upon may surely indulge his taste, if he chooses, by declining the retainer. But he may with equal propriety, and without abating a tittle from his scorn of his client, assist him in enforcing the law, which is none the less law because it dishonors the Commonwealth, remembering the apothegm contributed to political science by one who never claimed to be a philosophical statesman, that the best way to get rid of bad laws is to carry them into effect.

I can find, therefore, no different—or rather I will say no lower —ethical basis of action for the advocate than for any other member of society. The attempt which has lately been made to degrade the morals of the editorial profession by arguments drawn from the assumed ethics of the legal profession must fall with the foundation upon which it is reared. The lawyer, it is argued, may honorably support a cause he does not believe in by methods which imply that he does believe in it; and equally may the journalist carry his pen from one party to another, or put it at the dic-

tatorial control of his managing editor. But it is not true that the lawyer may simulate a confidence that he does not feel. His prepossessions may indeed have brought him to believe incredible propositions of law or of fact; but if his passions, his interest or his notions of professional obligation have induced him to pretend the thing that is not, or to maintain for an unworthy client anything more than those strict rights which belong even to an unworthy man, his dishonor is as great, and tends as directly to the corruption of society, as if he had not been paid for it. Nay, more; such is the position of the bar in American society, that its moral debasement carries with it far-reaching consequences. The science to the study of which it pretends to be devoted is ethical science; for positive law is but the expression of the moral sentiment of the community. Beyond all other influences, the bar makes, interprets, administers the law; and if the bar is tricky, quibbling and mendacious, legislation and administration will not be much better. Its position and opportunities impose corresponding obligations. "Nobility obliges." The divergence from a high ideal which secures an immediate advantage is, just so far, a debasement of the class which ought to be the nobility and the chivalry of a society without established orders. And if that class shall show itself inferior to its trust, it behooves society to enforce upon it, by all the powerful sanctions of a jealous public opinion, a morality finer and loftier than that which governs classes of lower responsibilities and less distinguished privileges.

DISCUSSION OF MR. BACON'S PAPER.

Judge C. A. Peabody, of New York, who was presiding, opened the debate by extended remarks, of which the following is an abstract:

He said that the life of a lawyer presented temptations of exceptional strength; but how often has a lawyer been guilty of betraying his client, or doing less than justice to his interests, according to the best of his ability? How very few men, holding any position in the profession, have been seriously accused of acting dishonestly in professional relations—for no small part of what is said is not said seriously. Fewer, still, have been adjudged unworthy of confidence by men knowing the facts on which their

judgment is based. Who are the men that talk glibly about the low moral standard of the profession? Are they men of such repute for high moral sense as to be authority in a matter requiring knowledge, intelligence, and honest judgment? Are not the censors of the profession almost invariably of a class quite different from that? Some paltry fellow calling himself a lawyer is reputed by gossip to have done wrong; but who is the man who from this fact characterizes the profession or any considerable part or number of it? Cases of this kind do occur, no doubt; but are they of frequent occurrence—the numbers of the profession and the amount and the nature of the business transacted by them considered? Such cases must occur in every profession and walk in life. Is there a vocation in which they occur less frequently? all things being fairly considered? Much of what is said popularly is in jest; much is uttered carelessly and without consideration, and much is uttered by men who have failed to accomplish nefarious purposes through the law and lawyers. The authors of this kind of scandal call lawyers knaves, physicians fools, and clergymen hypocrites or scheming self-seekers.

Prof. WAYLAND heartily commended the paper, declaring himself in full sympathy with the sentiments so forcibly and opportunely expressed by Mr. BACON. He deplored the crowding into the ranks of the profession of so many young men who adopted it as a trade, or merely as a means of political promotion. Disappointed in their expectations, and driven to the necessity of doing something to prevent starvation, they too often substitute petty knavery for a competent knowledge of law, and disgrace their profession while they defraud their clients. He was in the habit of advising young men who consulted him about the wisdom of studying law, that unless they were conscious of possessing qualities of mind peculiarly fitting them for success in the higher walks of the legal profession, or unless they could safely count on influential business connections, or clients of the better class, they would do well to engage in any other employment which offered fair promise of an honest livelihood, however humble, rather than be exposed to the temptations to dishonesty which beset the man who is compelled to beg for legal business. He presumed that, in giving such advice, he had been of more real service to the profession than by any instruction he might have given to law students. He hailed with delight any attempt to elevate the moral standard among legal practitioners, and he was satisfied that such arguments and appeals as those to which the Association had just listened, would meet an approving response from all high-minded members of a noble calling.

Lewis L. Delafield, Esq., of the New York bar, being called upon by the Chairman, said in substance that the popular notion of the average lawyer of the present day, was embodied in the anecdote of the young man—himself a limb of the law—who, when summoned to the death-bed of his father and informed, with many expressions of affection, that by the provisions of the will of the moribund parent, he was to be sole heir, and that A. B. (naming a well-known attorney) was to be executor, thanked his father for his generous intentions, but added: "I should prefer that A. B. should be the sole legatee if I can be designated as executor." This story, Mr. Delafield continued, is open to the objection that it condemns the entire profession in a manner quite too sweeping; but that it expresses a sentiment which has much more foundation in truth than it ought to have, does not admit of a doubt. There are many lawyers—and they are not exclusively confined to our large cities—who should be disbarred without delay for dishonest and corrupt practices, and until some serious and successful attempt is made in this direction, the legal profession must expect and will deserve to decline in popular esteem.

Prof. T. W. Dwight (of Columbia Law School), agreed with all that Mr. Bacon had said, and with all that Judge Peabody had said. If lawyers have been untrue to the trusts committed to their charge, or have in any way brought discredit upon the profession to which they belong, it has been in most instances owing to a low standard of professional education, and to the freedom with which, in many States, men are admitted to the practice of the law. Where there has been no adequate preliminary education demanded, a low standard of professional morals too often prevails. The training that is given in law schools of a high grade leads to the inculcation of principles which are utterly at variance with disreputable practices at the bar. Of those who had been under the speaker's instruction, few had turned out badly.

Prof. S. E. Baldwin (of Yale Law School), believed that the tone of the legal profession was never so high as now. He mentioned two cases, one in Missouri and one in Maryland, where lawyers had been disbarred for unprofessional, *i. e.*, dishonest conduct. A rascal may become a lawyer, but his rascality will be in spite of and not by reason of his legal training.

Rev. H. L. Wayland, D. D., of Philadelphia: "I have listened with the utmost interest and with the fullest agreement to the paper of Mr. Bacon. Some of the eminent professional gentlemen who have taken part in the discussion have spoken as if the evils of the unscrupulous practice of law would be remedied by a more complete legal education. I desire to ask for information, whether it is not the case that in many instances the most highly educated attorneys prove the most facile and unscrupulous instruments as the advocates of large corporations and monopolists?"

II. LOCAL GOVERNMENT IN MICHIGAN AND THE NORTHWEST.

(A Paper read before the American Social Science Association at Saratoga, N. Y., Sept. 7, 1882.)

BY EDWARD W. BEMIS, A. B.,

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Not long ago, at a college in a neighboring State, a professor proposed for debate, "Resolved, That the New England town-meeting should be abolished." In a class of nearly one hundred, not ten could be found willing to discuss the subject, and only one showed a comprehension of its general bearings, — this in a New England college. So great ignorance, probably, does not prevail among those New England citizens whose duty at the polls has taught them something of the government of their town or city. Yet it is undeniable that few persons have any accurate knowledge of the local political institutions of other parts of the country than their own. For instance, in a recent conversation, a judge of acknowledged reputation for legal wisdom, in a State east of New York, a man even of legislative experience, said he was entirely unacquainted with the county government of the Empire State. A member of the supreme bench of one of the northwestern States confessed to much the same ignorance respecting Ohio.

Nor is the reason for this ignorance far to seek. The importance of the subject is hardly yet realized. We seldom value or study what we share with all around us. If money for schools, for roads, or for the poor is raised in the same manner in our town and the next, in our county and beyond, we assume it is so with our State and its neighbor, with the East and the West, with Pennsylvania and Illinois, with New York and Missouri, or, if we learn of a difference, we imagine that ours must be the better. If we go to our libraries for information, we return no wiser than we went. As the old method of writing history was to narrate the exploits of kings and their armies, so the study of politics is still mostly confined to the doings of Reichstag, Parliament, Congress, State Legislatures and Common Councils.

Previous to 1872, when E. M. Haines, of Illinois, read a valuable paper before the Social Science Association, on the "Growth

of Township Organization" in the West," scarcely anything on the subject of local government, save Professor Parker's paper in the Proceedings of the Massachusetts Historical Society on the Towns of New England, had been written in this country. With the exception of a brief article by Galpin, in Walker's Statistical Atlas in 1874, only two or three short articles have since appeared, although such writers as Bancroft and Freeman have borne testimony to the need of information upon this subject. Several men at the Johns Hopkins University are now pursuing their investigations in this direction and their results will be published in a regular series of University Studies in Historical and Political Science.

Now what is meant by local government, and why is its treatment so important? The government of the United States consists of four distinct centres of political power: the central power, with its seat at Washington; the State, with its important legislative powers; the county, the seat of many judicial powers; and, lastly, cities and villages, and those small incorporations, rarely more than thirty-six square miles in area, into which more than half the States of our Union are divided, and which, in the East, are usually called towns, and, in the West, townships. The assembling of the electors together in these small civil divisions, at annual or special meeting, for determining, not only what officers shall manage the affairs of the township, but, as in many States, how such affairs shall be managed, what taxes shall be raised for schools, roads, bridges, parks, commons, cemeteries, public buildings, and other subjects of local concern, determining, too, what by-laws they will have for their regulation, and, in short, how the prudential affairs of the township shall be managed in the manner most conducive to its peace, welfare and good order; all this has an influence upon the people, the importance of which cannot be over-estimated. Of all the means of political education, none perhaps has been so effective in creating an interest in republican institutions as well as in calling forth the intelligence necessary for their preservation, as the town-meeting.

It is not, however, to the town-meeting alone that we refer when we speak of local government, but to all agencies by which matters purely local in character, are taken from federal or State jurisdiction and placed in the hands of the local authorities. County legislation and county powers, in so far as related to subjects of exclusively county interest, are just as much parts of local self-

government, as the government of town, village, or city. Indeed, the increasing tendency to transfer power from the State to the county is very marked in some sections and deserving of careful study. It needs but the slightest acquaintance with the workings of our State legislatures to convince any one that much of the corruption, the "log-rolling," and worse, which disgrace American politics, results from the control which is given to our legislatures over purely local matters by means of special legislation. Authority for building a bridge or house of refuge, erecting a town hall or a prison, is sought in the legislature, although only the one member from the district affected knows anything of the merits of the bill. If that member has already sold his vote none of his associates are sufficiently acquainted with the measure to defeat it, but pass the bill out of courtesy, while individual responsibility for the corruption or misjudgment is lost in the numbers voting. Not so when these questions are brought before the local district which alone is interested. Every member of a county or township-board is acquainted with the measure under discussion, and popular condemnation follows close upon abuse of trust. The worst class of men seek to enter our legislatures because of the profitable measures requiring their approval, but which might better be adjusted in local assemblies. Illinois, fourteen years ago, by passing an act forbidding local bills and special acts of incorporation, and relegating all that was necessary to the local bodies, diminished her pages of statute laws from three thousand to two hundred. Understanding, then, the importance of local government, both for political education and pure administration of public affairs, it becomes of great interest to study our various systems of local self-government, both in their development, present condition, and probable future.

Although from the same stock, and subjects of the same laws, the settlers along the northern and southern portions of our Atlantic coast were led by circumstances, which we need not here discuss, to adopt very different systems of local government. At the beginning, the parish of South Carolina resembled the New England town, as a student from the Palmetto State has shown; but, by 1850, nearly all power in the South was concentrated in the State and county, while in New England the local unit endured. But town and parish were survivals of the old English and German village community. The theory of State rights was

a favorite one at the South, but decentralization of power, or local self-government, was much greater at the North.

We might study simple town government in New England, or its modified form in New York. But it would be as interesting, and more instructive, to any one investigating the ultimate effect of these institutions and their relative merits, if we could find some large area of country where the two systems of centralized and decentralized power have been brought together on a new field; and especially interesting would it be if any one method of government had gained the ascendency after a fair trial of strength. Such a country is that which was originally called the Northwest Territory, or that beyond the Ohio, land that is now divided into the five States of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

The French,[1] the early settlers of Michigan, and of a few places to the South and West, were never given local rights, but were under military and personal government. Land was granted on feudal conditions,[2] while trade was in the hands of a close corporation. One great trouble with the French settlements and a chief cause of their decline, was their entire lack of local government. "The progress of France," says Lecky,[3] "in more distant quarters [than Europe] has been restricted by an incurable incapacity for successful colonization, due principally to the French passion for centralization and over administration." French colonization in this country was contemporaneous with the increasing centralization of French institutions under Louis XIV. Everything must be done for the people, nothing by them. Modern French history is a sufficient commentary on such a system. With all local officers appointed at the capital, Paris was the most powerful corporation in the State. If the Parisians favored kingdom or republic, this was the government of France. The present stability of the French Republic is partly due to the powerful and awakened conservative influence of the peasantry, who are allowed far more local government than eighty years ago.

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[1]For a very interesting account of French customs, character, mode of life, education, etc., see paper on The Early Colonization of Detroit, by Bela Hubbard, Michigan Pioneer Collections, Vol. I, pp. 347–368.

[2]This is well described in the early chapters of J. Campbell's valuable work, "The Political History of Michigan."

[3]History of England in the Eighteenth Century, Vol. I, p. 358.

The evils of centralized government increase directly with the separation of the governing and the governed. The effect is well described by Judge Campbell in a. recent paper.[1] "A system of personal oversight," he says, "was maintained over every man who came into the country, and there is no instance recorded, and probably none existed, where any one ever settled down in the wilderness as a squatter or pioneer and cleared a farm for himself. There were no farming settlements except under restricted and fixed regulations, and every one who went into the country went as a roving adventurer, and not as a settler." Complete centralization left no room for independence.[2] The natural result was seen when invasion came. As long as the feudal lords were honest and patriotic, resistance to conquest was strong; but when those in authority proved false, the colonists fell helpless before the English, instead of resisting as did the settlers of the Atlantic coast in 1776.

Under British control there was still no local government in the Northwest. The governor and council had almost absolute power. There were less than four hundred Englishmen, and the idea that Frenchmen were entitled to representation, or even to the right of *habeas corpus*, was deemed preposterous. Partly in consequence of such facts, few settlers were attracted to this region, and population increased slowly.[3]

On the evacuation of the territory, in 1788, the country assumed the name of the Northwest Territory, and was organized in accord-

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[1]Early French Settlements in Michigan. Pioneer Coll., Vol. II, p. 96.

[2]"Simple and frugal in their habits, contented with their lot, they renewed in their forest recesses of the new world, the life of the old. They were free from ambition and its cares, and without aims. While they enjoyed much personal license, they had no conception of municipal freedom and of self-government — of liberty regulated by law, originating from the will of the governed themselves. They received with equal and unquestioning submissiveness their law from the king and his subordinates, and their religion from their priests." The Northwest during the Revolution, by Chas. I. Walker. Mich. Pioneer Coll., Vol. III, p. 14.

[3]Many went to St. Louis, Arkansas and New Orleans. "Detroit, which had probably numbered more than 600 inhabitants in 1763, had but about 300 at the commencement of the Revolution. The whole Detroit settlement did not then exceed 700 or 800, in the place of 2500, as estimated by Rogers in 1760. . . . . No new settlements had been formed, and I am satisfied that at the commencement of the Revolution, exclusive of officers and soldiers and their families, the entire white population of the Northwest did not exceed 5,000 souls." Mich. Coll. Vol. III, p. 15.

ance with the provisions of the Ordinance of 1787, the importance of which can scarcely be exaggerated. It secured freedom, education and political development to what are now five great States, Ohio, Indiana, Illinois, Wisconsin and Michigan. We cannot trace the growth of these individual States. It will answer our purpose to sketch as briefly as possible the growth of local powers in that one of the five which first adopted the town-meeting, and by its success induced many other States, west and south, to make the same attempt with as marked success.

Counties were established in Michigan by Gov. Hull, in 1805, and for the same object as the counties of old Virginia,—for judicial purposes. Indeed, one-fourth of the laws of Michigan at that time were taken from Virginia and the rest from Ohio, Massachusetts and New York, in about equal proportions.[1] As the Ohio legislation was in part a copy of Virginia and Pennsylvania laws, the influence of the two different systems of local government, centralized and decentralized, was about equal. The French preferred central control, but most of the new settlers were from New York and New England where local power was most developed. In 1815,[2] before a sign of local government was visible in the rural districts, an act reincorporating Detroit allowed the electors in town-meeting to levy taxes for such purposes as they saw fit. The same power was granted to Prairie du Chien in 1821.

The growth of local power outside of the cities was somewhat as follows: Gov. Hull, before 1813, appointed commissioners to supervise the highways and bridges in the as yet unincorporated townships or divisions of territory six miles square, into which all western land is divided by the governmont surveyor. Then these commissioners in 1820 were given the relief of the poor. Soon after, in the same year, by vote of the governor and judges, it became the duty as well as privilege of the governor to appoint three county commissioners, with somewhat enlarged powers.

In 1825, Congress gave power to the governor and council of Michigan to incorporate townships and provide for the election of county and township officers. This may be considered as the foundation of local government in Michigan, establishing, as it did, local elections for all local officers; but the powers of the county

[1] This statement is based on an analysis of the Territorial Laws, published in one volume.

[2] See Territorial Laws. Acts of 1815.

still vastly exceeded those of the town. From a law of 1827 we judge that the town-meeting could only appropriate money for the destruction of noxious weeds, birds and animals, and for the maintenance of the township poor. Another and important power was, however, conferred upon the township that year, namely, raising money for schools. From that time until the present, the powers of the township have slowly but continuously increased.

The genesis of local government in Western hamlets is very simple. First comes the settler, who, axe in hand, clears the ground for his humble dwelling and plants whatever seed he has brought with him. Then comes another settler and another, until, perhaps, a dozen families are established near. Two wants are now felt: roads, or at least paths, from house to house, from hamlet to market town, and a school-house for the multiplying children. There is no strong central authority to provide these things, but the settlers meet and voluntarily vote to tax themselves. The services of a supervisor, collector, clerk, constable, and justice of the peace are required. Many a township record begins like that of Burlington.[1] "Was organized in 1837, and held its first township meeting, April 3d, of that year, electing Justus Goodwin, supervisor; O. C. Freeman, town clerk; Justus Goodwin, Gibesia Sanders and Moses S. Gleason, justices of the peace; Levi Haughtailing, constable and collector. Established six road districts; voted, $100 to build a bridge across the St. Joseph river, and $50 for bridging the Nottawa creek. Voted, $50 for common schools and $5 bounty for wolf scalps." The township would naturally assume other powers in due time with the increased community of interests.

The local institutions of the East were transplanted to a new soil, losing in the journey none of their pristine vigor, but casting off such portions as were found unsuited to a change of circumstance and time. Of the four supreme court judges of Michigan, three are of New York or New England birth. The same is true of fifteen of the twenty-four State circuit judges. Five of the latter are of Michigan birth, and three of Ohio.[2] Probably no State can rival Michigan in number of sons from New York and New England. Of the 496 members of the Michigan Pioneer Associa-

[1] Records of Burlington, Calhoun Co. Mich. Coll., Vol. II., p. 211.
[2] Michigan Manual for 1881, pp. 413–423.

tion in 1881, 407 are from these sections.[1] From such a fact alone we might expect an aptitude for local government; but apart from this, the kindred fact of participating in the organization of communities and new governments, has had much to do with the easy transplanting of local institutions, and with the energy and force of character displayed by the settlers. "There is something so staid, so stereotyped, so entirely finished in those old settlements," [of the East] remarks a recent speaker,[2] "that there is small opportunity for development; but let the persons that are there struggling for an existence amid those old fossilized, stereotyped institutions, start out into a new country, and they can get into a position in the organization of society, the organization of States, the organization of counties, the organization of towns, the organization of villages, the establishment of schools and churches; and thus it is by being brought into contact with this necessity the opportunity is afforded to develop into a higher type, and a greater vigor of life, than is possible in the old country."

A marked feature of the political development of Michigan, is the influence of the governors and judges of the territory. Their legislation, in the words of Judge Campbell, was "rather a first preparation for popular government than the result of popular discontent." From 1813 to 1831, Governor Cass was a great power in the territory. He was thoroughly imbued with New England ideas of local government, under which he was born and brought up. He it was, more than any one else, who instituted county and town government in Michigan. He gradually abandoned the appointment of county and township officers, and urged, nay required the people to elect them. He evinced his far-reaching discernment and foresight in the following words: "In proportion as government recedes from the people, they become liable to abuse. Whatever authority can be conveniently exercised in primary assemblies, may be deposited there with safety. They furnish practical schools for the consideration of political subjects, and no one can revert to the history of our revolutionary struggle without being sensible that to their operation we are indebted for much of the energy, unanimity and intelligence which was displayed by our

[1]Michigan Pioneer Collection, Vol. I, p. 92; Vol. II, p. 186; Vol. III, p. 268.

[2]See Michigan Pioneer Collection, Vol. II, p. 398.

government and people at that important crisis."[1] And in this he voices the sentiments of Jefferson, who says: "These wards, called townships in New England, are the vital principle of their governments, and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation."[2]

In the constitution which Michigan adopted on becoming a State, in 1837, the governor had important powers. With the consent of the senate, he could appoint the judges and all State officers; could adjourn the legislature if he thought fit, and could remove from office not only State officers, but even those of the county and township if he thought them incompetent. Internal improvements also were sanctioned. All this is now changed. By the constitution of 1850 the power of the governor was greatly restricted. Nearly all offices, ministerial as well as county and town, were made elective; while mismanagement of the finances in making internal improvements had so displeased the people, that the power was taken away. Exclusive control was given to the county board of supervisors in the settlement of claims against counties,[3] and the express provision was inserted that the legislature might confer upon politically organized or incorporated townships, incorporated villages and cities, and upon the boards of supervisors of the several counties, "such powers of a local legislative and administrative character as they may deem proper."[4] The county seat cannot be removed without vote of the electors, and when, in 1870, the constitutional amendment was submitted to popular vote, allowing county supervisors to raise $2,000 for public buildings, highways, bridges, etc., without vote of the county, instead of $1,000 as at present, the admendment was defeated, 61,904 to 39,180.

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[1]Life of Cass by W. G. L. Smith, p. 181.

He also says: "Those institutions have elsewhere produced the most beneficial effects upon the character of communities, and upon the general course of public measures. They embrace within their scope those questions of local police which are necessary to every citizen, and which every citizen is competent to discuss and determine. In the more extensive concerns of a country the necessary regulations for these subordinate matters cannot be adopted and enforced" [by the central authorities].

[2]Letter of Jefferson to Samuel Kerchival, July 12, 1816. Writings, Vol. VII. p. 13.

[3]Constitution of 1850, Art. X, Sec. 10.

[4]Article IV, Sec. 38.

Michigan was the first State in the West to adopt the town-meeting. She has been followed in this by Wisconsin, Minnesota and Illinois. The three States—Ohio, Indiana and Illinois, were settled more largely by people from Pennsylvania, Kentucky and Virginia, than were Michigan and Wisconsin. As a natural consequence they have adopted a compromise system similar in many respects to that of Pennsylvania. Ohio[1] and Indiana[2] have township officers elected by the people, but few questions of an administrative or legislative character are submitted to the voters. In Illinois,[3] however, in 1848, a law was passed[4] by which a vote of a majority of the legal voters allows a county to adopt township organization with power lodged in the town-meeting, as in Michigan and Wisconsin. Seventy-five of the one hundred and two counties have already so voted; seven since 1870, and there is no doubt but that the others will follow.

The town meeting in Michigan[5] is thus conducted:—The first Monday in April of each year, every citizen of the United States, twenty-one years of age and upwards, who has resided in the State six months and in the township the ten days preceding, has the right of attending and participating in the meeting. The supervisor, the chief executive officer of the township, presides, and, with the justice of the peace, whose term of office soonest expires, and the township clerk, constitute the inspectors of election. After the choice of officers for the ensuing year the electors proceed, from twelve to one or three, as the case may require, to the discussion of town business. Complaint is perhaps made that the cattle in a certain part of the township are doing damage by running at large; a by-law is passed, forbidding the same under penalty not exceeding ten dollars. A bridge may be wanted in another part of the township, but the inhabitants of that road district cannot bear the expense; the town-meeting votes the necessary amount, not exceeding the limits of law, for the laws restricting the amount of taxation and indebtedness are very particular in their provisions. The electors may regulate the keeping and sale of gunpowder, the licensing of dogs, and the maintenance

[1] Revised Statutes of Ohio, 1880, Part I, Titles X and XI.
[2] " " of Indiana, 1881, Chap. 90, Article 32.
[3] " " of Illinois, 1880, Chap. 139.
[4] For law as amended, see Illinois; L, 1861, pp. 216–218.
[5] Howells' Annotated Statutes of Mich, 1882, § 669–717.

of hospitals, and may order the vaccination of all inhabitants. The voters in town-meeting are also to decide how much of the one-mill-tax on every dollar of the valuation shall be applied to the purchase of books for the township library, the residue going to schools. The annual reports of the various township officers charged with the disbursement of public moneys also report at this time. In short, whatever is local in character and affecting the township only, is subject to the control of the people assembled in town meeting.[1] Yet we may notice some minor differences between the New England town-meeting and its sister in Michigan. In the latter, the by-laws and regulations are less varied in character. This is due to the fact that in the West, that part of the township where the inhabitants are most numerous, the village, and for whose regulation many laws are necessary, is set off as an incorporated village, just as in nearly all the central and western states. These villages have the privilege, either directly in village meeting, or more often through a council of five or more trustees, of managing their own local affairs, their police, fire department, streets and water works.[2] In some States, however, they are considered parts of the township, and as such vote in town-meeting on all questions touching township roads, bridges, the poor and schools.

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[1]The voters may order the raising of any sum within certain limits which they may consider necessary or proper for the ordinary expenses of township government or for special local purposes. [See Upton v. Kennedy, 36 Michigan, 220.]

The extreme local self-government of Michigan is nowhere more strongly defined than in a decision of Judge Cooley and associates on the supreme bench, in Robbins v. Barron, 33 Mich. 126: "The board of supervisors [of the county] do not originate township or school taxes, but they take the certificate of the township clerk of the several amounts which the proper authorities have voted for those purposes and direct the amounts specified, if they appear to be authorized by law, to be spread upon the tax-roll of the townships. The supervisors have no discretion in the premises; they have only to see that the sums are authorized by law and then their duty to give the proper direction is imperative. If they should wrongfully refuse to give it, they might be compelled by *mandamus* to do so. But we also think that if the township authorities should proceed to levy the taxes which had been lawfully voted, their action would be perfectly valid whether the proper direction had been given by the supervisors or not. . . . The action of the supervisors is not, we apprehend, required to give the local officers power in the premises, but rather to insure the duty being surely and regularly performed."

[2]Towns may now, in Massachusetts, authorize districts to maintain street

Similar powers are lodged in the town-meeting in Wisconsin,[3] Minnesota,[4] and Illinois ;[5] Minnesota, as a territory, had the county system, there being no incorporated townships. On becoming a State in 1858, the Illinois system was adopted bodily, and changed again at the end of two years for the county system ; but soon the New England settlers compelled a return to the township system. In some important respects the New York town meeting[6] has less power than further west, as witness the provision allowing the town highway commissioner to expend $250 a year without vote of the town.[7] The electors as a body are not usually called upon in New York to determine directly, at the polls, questions of local management and expenditure, and even when so consulted their vote is more frequently considered advisory than binding, for local government in New York finds its greatest development in the county board.

Any study of town goverment would be incomplete without an examination of the powers and duties of town officers. "The capacity for self government," says Von Holst,[8] "shows itself to a very essential degree in the moderate self limitation by the people of their direct political activity and a correct perception of the things which they can better accomplish by their delegates." In the early days of the New England town the number of officers was proportioned to the variety of duties required of them. De Tocqueville, fifty years ago, mentions nearly twenty town officers as the usual number. But the tendency now is toward consolidation.

In Massachusetts[9] the three selectmen are usually assessors, overseers of the poor, of public health and roads, besides carrying out the orders of the town-meeting and managing most of the

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lamps, libraries, sidewalks, police, and a fire department. [See Public Statutes of Mass. 1882, Chap. 27, Sec. 37.]

[3]Rev. Stat Wis. 1878, Chap. XXXVIII.

[4]Rev. Stat. Minn. 1878, Chap. X, Secs. 1–35.

[5]Rev. Stat. Ill. 1880, Chap 139, Secs. 1–83.

[6]Rev. Stat. N. Y., 7ed., Chap. XI, Title II, Article 1. and Title VI. L, 1847, Chap. 197. L, 1872, Chap. 513. L, 1873, Chap. 46.

[7]Rev. Stat., 7ed, Chap. XVI, Title I, Article I, Sec. 4; L, 1832, Chap. 274, and L, 1857, Chap 615.

[8]Constitutional History of the United States. Vol. III, p. 155.

[9]Pub. Stat. of Mass., 1882, Chap. 27, Sec. 101; Chap. 52, Secs. 3, 4 : Chap. 80, Sec. 3; Chap. 102, Sec. 90, etc.

town business. Michigan, following the example of New York, has but one important local officer — a supervisor,[1] whose duties are rather executive and clerical than administrative. As assessor he takes the valuation and submits it to the county board for revision. Receiving again the valuation as corrected, and from the township clerk a statement of the amount to be raised, he apportions the tax among the inhabitants, and delivers the list to the treasurer for collection. He is required to take the State census every ten years, to report violations of the liquor law, to inspect dams and see to the maintenance of shutes for fish. He provides temporary relief for the poor of the township, and represents his township in the transaction of all legal business. Michigan townships have but one supervisor, yet there is always a township board,[2] composed of the supervisor, township clerk, and those two of the four justices of the peace whose terms of office soonest expire. This board exercise many of the powers of the Massachusetts selectmen. They may remove school district officers for illegal use of money; they are the court of appeal for all dissatisfied with the decisions of the highway commissioner; they yearly examine and audit the accounts of the township treasurer, and of all others charged with the disbursement of the public money; they determine the bond of the clerk, preserve town records, call special town-meetings, fill vacancies in town officers, may raise money for necessary purposes when the town has neglected to do so, and exercise other powers of a similar nature, while as a board of health they possess other important powers. Wisconsin[3] has three supervisors who correspond to the New England selectmen. The assessor is a separate officer elected by the people. Minnesota is still more like Massachusetts, for the three supervisors have charge of the roads and bridges also, and review the assessment list. In Ohio there are three township trustees who have the entire charge of local affairs, being, with the clerk and treasurer, the only township officers. In Indiana, with but one township trustee

[1] See Green. Township Laws of Michigan, 1879.

[2] Ibid; and Howell's Annotated Stat., Secs. 744–750.

Under the Revised Statutes of 1838, p. 64, Sec. 40, the township board was authorized to raise money, independently of any vote of the electors, to pay claims audited. This power was not mentioned in the Revised Statutes of 1846, and in 1849, March 31, Art. 200, the board was prohibited from voting any sum for any purpose other than ordinary township expenses.

[3] Rev. Stat. Wis. 1878, Secs. 819–827, and Chap. 52, etc.

and no township board, more power must be given to the county, and no taxes are there levied without the advice and consent of the county commissioners. The same is true of New York. The town supervisor is largely controlled by the county board. The duties of the other township officers,— the clerk, treasurer, highway commissioner, constables and justices of the peace — are sufficiently indicated by their titles.

Inasmuch as many of the thousand or more townships of a State lack the political education and conservatism necessary for perfect self-control; since also many through lack of means cannot raise sufficient money for roads, bridges, schools and the poor, a higher authority is needed, with the power of equalizing the valuation of several contiguous towns, of taxing the whole number for the benefit of the poorer, and of exercising a general oversight over township expenses. This power resides in all States, to a more or less degree, in a county board. In New York, where no tax can be raised save for schools or a town hall, and no bridge rebuilt, in town or village, without the approval of the county, it may be well to have the board composed as there of the supervisors of every town in the county; but where the powers of the county are not as great, *e. g.* in New England and much of the West, three commissioners elected by the whole county or its districts are better. In Michigan, for instance, which has borrowed the organization of the county board from New York, and its powers from Massachusetts, the board is too large. Judge Cooley, in a recent letter, sharply criticises it. There is so little responsibility in a board of 16 to 24 members, that there is a likelihood of illegal and unwarranted action. Matters of local concern are controlled by combinations in the board. Illinois has the Michigan system. Wisconsin has a board composed of men chosen from two or more towns. Minnesota has three county commissioners with little power. Further west the county renders valuable aid in raising money for schools, for the tax from the richer towns aids the schools of the poorer.

The importance of this power is not fully appreciated. For lack of similar provision in Massachusetts, there is scarcely any State or county aid or control of schools. Every town is left to its own resources with poor results. All educators earnestly advocate county and State control of schools, that there may be uniformity of methods, and that the country districts, the nurseries

of our great men in the past, may not degenerate. But two influences oppose: the fear of centralization on the part of the small towns which need it most, and the dislike of the rich cities to tax themselves for the country districts.

We have reserved until now the consideration of the relations of local government to public education. A government like ours, resting on public opinion, must educate the voters. Convinced of this, the intelligent and far-sighted statesmen of the last century passed the ordinance of May 20, 1785, which gave one section of land a mile square in every township in new States and territories for school purposes, to be kept as an inalienable fund. In accordance with this ordinance and that of 1848, introduced by Senator Douglas, which gives two sections instead of one, there have been given to nineteen States and eight territories for school education, over 106,000 square miles, or nearly as much as all New England and New York.[1] A wiser provision was never made by government, but its value is not confined, as is usually supposed, to its direct effects on public school education. "Local self-government," says a recent English writer, Bishop Frazer, "is the mainspring of the American school system."

As the immigrants surged westward, from Ireland and from Germany, from the Connecticut and the Susquehanna, they found a vast educational fund awaiting them, but to secure its benefits local organization of school districts and local taxation were necessary. The public fund alone was not sufficient, but it acted as a great stimulus. Now what has been the result? Dakota has already 400 school districts where the voters meet at annual and special meeting to discuss and vote local taxes for everything relating to school purposes. In short the district meeting is modelled after the town-meeting for which it is the fitting school.

In Michigan, the voters in district meeting direct the purchase of a site and the building of a school-house, the amount of the tax, however, being strictly limited by law.[2] They also may vote

[1]46th Congress, 3d session House of Rep. Ex. Doc. 47, Part 4, pp. 223–231, or Report of U. S. Com. of Education, 1880, pp. XXVII, XXXIV.

[2]Act No. 164, L. L. of 1881 (§ 27), Chap. II, Sec. 20. The voters have power "Sixth, to vote such tax as the meeting shall deem sufficient, to purchase or lease a site or sites, or to build, hire or purchase a school-house or houses; but the amount of taxes to be raised in any district for the purpose of purchasing or building a school-house or houses in the same year that any bonded indebtedness is incurred, shall not exceed in districts containing less

to repair the school-house, to provide the necessary school apparatus, direct the sale of school property and the management of suits at law. They also determine the length of school terms, while the district board of three elected officers estimate and vote the tax for the entire support of schools over and above what is voted by the electors.[3]

When, however, we speak of the school district meeting as a preparation for the town-meeting, we are not ignorant of the many injurious effects attending the district system in the older States. It caused, and continues to do so in some States, such subdivision of school moneys, and such local strife, as to injure greatly the efficiency of the schools.

In some States, notably Massachusetts, the town system has been substituted with good results. Under this latter system, all the money for the school districts of a town is voted in one sum at the town-meeting, and afterwards applied at the discretion of the public school committee.[4] But where township government does not exist, and the people are too scattered to have similar interests, the school district system is the only one practicable, and its effect in promoting local government is manifest.

In 1880, some 35,000 of the 100,000 people in Southern Dakota were from Michigan, Wisconsin, Minnesota, Illinois, and other States which have complete local government, and the town-meeting has already been introduced by popular vote in the more thickly settled counties.[5]

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than ten children between the ages of five and twenty years, $250; in districts having between ten and thirty children of like age, it shall not exceed $500; and in districts having between thirty and fifty children of like age, it shall not exceed $1,000."

[3]Districts, with eight hundred children between five and twenty, must maintain a school nine months in the year, and not less than five months where there are from thirty to five hundred children, and at least three months for smaller neighborhoods, on pain of forfeiture of their share of the one-mill tax and primary school interest fund. But if this is not provided for at the annual district meeting, the district board must make provision for it.

[4]Pub. Stat. Mass. 1882, Chap. 44, Sec. 28, 46–48.

[5]R. F. Pettigrew, Congressional delegate from Dakota, writes as follows: "Dakota Territory, at least that portion south of the 46th parallel, has been settled very largely by people from Wisconsin, Michigan, Iowa, Minnesota, Illinois and Indiana. In 1880 there were 100,000 people in Southern Dakota; 10,000 of whom were born in Wisconsin, 6,000 in Minnesota, 5,000 in Iowa, 4,000 in Illinois, and 4,000 in Michigan, over 2,000 in New York, and many

Montana, equal in size to Dakota, has too small a population as yet (only 40,000) for township organization; but here, too, over an area three times as large as Pennsylvania, we find school districts, 105 in number, with local powers.[6]

The same may be said of Idaho[7], Washington Territory[8], Oregon[9], Wyoming, Colorado, Nevada, California, Kansas and Nebraska.[10] In some, as *e. g.* in Idaho and Washington Territory, the people do not have the entire management of their schools in school district meeting, for the county commissioners, usually three in number, assess a tax of from one to eight mills on a dollar in addition to funds arising from the sale of public lands, but the voters are called upon to elect district trustees, to vote yes or no on the question of some specified sum which these trustees may propose as a local tax, and also to decide in district meeting all questions relating to building, repairing or removing a schoolhouse.

The township six miles square is impossible in Colorado, where the people live in the mountains and valleys, along the banks of

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were born in the New England States. The township organization is adopted as each county becomes sufficiently settled to maintain it. It is adopted by the whole county by the votes of the people. Only the older counties now have the township organizations. The other counties are adopting this system as fast as they obtain sufficient wealth and population. There is no question but what within a very short time every county in Dakota will possess the township system similar to New England. This system will spread into all the territories of the Northwest. It is the bulwark and foundation of free institutions, and is the school in which men are taught the science of self-government more than any other."

See also Rev. Stat. 1877, Chap. 23.

[6]Report for 1878–9 of Hon. W. Egbert Smith, Ter. Supt. of Public Instruction, of Montana.

[7]In 1880, 149 school districts, an increase of 55 in one year. Report of Ter. Supt. of Education, 1879–80, p. 30.

[8]In 1881, 536 school districts. While in 1879, 375 reported. Rep. Ter. Supt. 1881, pp. 9, 10.

[9]A population of less than six to the square mile renders township organization impossible. Nearly all of the 26 counties have each an area equal to Delaware and Rhode Island united, but here also we find provision for voting of local taxes in the 1007 school districts.

[10]Consult the School Laws and Educational Reports of the Territorial and State Supts., or the summary given in the Report of the U. S. Commissioner of Education for 1879 and for 1880.

streams, or in long narrow belts on the plains, where the land can be irrigated. Nevada has begun township organization, although most of the power resides in the county commissioners. Township organization, similar to that of Indiana, has just been provided for in the Constitution of California. Kansas has 999 townships, similar to those of Indiana, with township officers but without the town-meeting. Provision was made for township organization in Nebraska, in the Constitution of 1877, and two acts in accordance with it have since been passed, but failed to become law; the first act being declared unconstitutional, and the second, in 1881, being vetoed by the governor because of its many defects. But another attempt will soon be made. In Ohio, and Indiana, and Iowa, the voters are required to approve the expenditure of money for school buildings and a few other purposes, though nearly all other local expenditures are left to the discretion of the township and county officers. Missouri adopted optional township organization in 1879, and already thirteen of the 114 counties have voted it. As might be expected, the great trouble[1] has been in securing the large number of competent officers requisite for township administration. Such a change as that from county to township government cannot be made in one year or five years. It is only of the tendency we are speaking. In Missouri much power is lodged in the voters in district meeting, but, as elsewhere, subject to strict limitations in the amount which they can raise. Thus we have found that the increase of local powers has been unprecedented during the last decade, and seems destined to continue until all the great West and Northwest have experienced its benefits. The following table, compiled from the census of 1880, gives some of the more important facts concerning local self-government in those States where it is most complete:

	No. Townships.	No. Counties.	Population.
Maine, . . .	455	16	648,936
New Hampshire, .	230	10	346,991
Vermont, . . .	239	14	332,286
Massachusetts, .	326	14	1,783,085
Connecticut, . .	166	8	622,700
Rhode Island, . .	34	5	275,531
All New England, .	2,450	67	4,009,529

[1]Letter from State Supt. Public Instruction, July 23d, 1882.

	No. Townships.	No. Counties.	Population.
All New England, .	1,450	67	4,009,529
New York, . .	937	60	5,082,871
New Jersey, . .	236	21	1,131,116
Illinois, . . .	1,008	75	2,649,841[1]
Michigan, . .	1,054	77	1,636,937
Wisconsin, . .	891	62	1,314,497
Minnesota, . .	1,100	72	780,773
	6,676	434	16,605,564

While emphasizing the important bearings of school district organization upon the development of local government in the new Northwest, we cannot forbear a brief reference to a similar and noteworthy movement in an older section of our Union.

Now that the large plantations of the South are being divided and manifold industries are taking their place, the mechanic and the artisan appear at the cross-roads and form the nucleus of a village, instead of finding employment on the lands of wealthy planters; and with the village hamlet comes the first beginning of local self-government. A few towns in South Carolina have recently incorporated themselves for local taxation for school purposes, and the movement is spreading.[2] Thanks to the increasing agitation of prominent Southern educators, the people already have this right of local taxation for school purposes in Kentucky, Tennessee,[3] Virginia,[4] and West Virginia;[5] while in Alabama,[6] by recent enactment, the school officers are required to call meetings of the patrons of the schools and consult with them concerning school matters. These movements toward local government are very recent and will doubtless increase if the national government, in giving money to public education, as is proposed, shall couple it with the condition that an equal amount shall be raised by local taxation. Some of the Northwestern States have long done this, withholding aid from districts which failed to maintain schools for a certain number of months in the year. We are again reminded of the words of Jefferson[7] when writing of this very

[1] Only three fourths of the State have as yet adopted township organization.

[2] Report State Supt. of S. C., 1881, pp. 11, 15, advocates it strongly.

[3] In cities and incorporate towns by act of legislature in 1881, see Report State Supt. Tennessee, 1881, p. 6.

[4] See School Laws, and Report of U. S. Com. of Education, 1881.

[5] Idem.

[6] School Laws, ed. of 1881, pp. 15, 16.

[7] Letter to Joseph C. Cabell, Esq., Feb. 2d, 1816. Writings, vol. VI., p. 544.

subject—local incorporation for schools—he remarks: "Where every man is a sharer in the direction of his ward-republic [*e. g.* school district or township] or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the State who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than [allow] his power [to] be wrested from him by a Cæsar or a Bonaparte. How powerfully did we feel the energy of this organization in the case of the embargo. I felt the foundations of the government shaken under my feet by the New England townships. There was not an individual in their States whose body was not thrown with all its momentum into action; and although the whole of the other States were known to be in favor of the measure, yet the organization of this little selfish minority enabled it to overrule the Union. What would the unwieldy counties of the middle, the south and the west do? Call a county meeting, and the drunken loungers at and about the court houses would have collected, the distances being too great for the good people and the industrious generally to attend. The character of those who really met would have been the measure of the weight they would have had in the scale of public opinion. As Cato, then, concluded every speech with the words, '*Carthago delenda est*,' so do I every opinion, with the injunction, 'divide the counties into wards.' Begin them only for a single purpose; they will soon show for what others they are the best instruments."

The wish of Jefferson seems destined to be fulfilled. As the New England town was built up about the church, so the Western and Southern town is centering its political activity about the school. It is also noteworthy that it is in the local government of the school district that woman suffrage is being tried. Says United States Commissioner of Education, John Eaton, in his last report:[1] "Women's opportunities to influence education as voters and school officers have been greatly enlarged [during 1880–1881]. They may vote at school meetings in Kansas, Nebraska, New Hampshire, Vermont, Dakota, and Wyoming; at school elections in Colorado and Minnesota; and for members of school committees in Massachusetts. They can vote at school meetings in Michigan and New York if they are tax-payers; in Washington

[1]Report of U. S. Com. Ed., 1880, p. XXV.

Territory if they are liable to taxation. Widows and unmarried women in Idaho may vote as to special district taxes if they hold taxable property. In Oregon, widows having children and taxable property, may vote at school meetings. In Indiana, 'women not married nor minors, who pay taxes and are listed as parents, guardians, or heads of families, may vote at school meetings.' In Kentucky, any white widow having a child of school age, is a qualified school voter; if she has no child, but is a taxpayer, she may vote on the question of taxes. Women are eligible to school offices generally in Illinois, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Pennsylvania, Vermont and Wyoming; to school district offices in Colorado; to any office except State Superintendent in Wisconsin. They may serve on school committes in New Hampshire and Rhode Island, as school trustees in New Jersey, and as school visitors in Connecticut. Some offices are open to them in Maine, and all offices in California, unless specially forbidden by the constitution. In Utah, no discrimination on the ground of sex is made as to voting in general."

If society be an organism wherein the good of each member is the good of the whole, then the importance of local self-government is established. For does not this system of self-government bring to the masses that self-respect and feeling of equality before the law which is a prime condition of progress? Does it not also compel, for the sake of self-protection on the part of the more cultured, such attention to public education as will give the humblest citizen the means of determining what is for his true interest and for that of society? History gives but one answer. We note a growing tendency to give the general government more control over vast public interests, such as railroads and telegraphs; and with the improvement of the civil service this form of centralization will be rapidly developed. We also note a corresponding increase of local power over matters of purely local interest. Centralization of national interests, in so far as we can properly speak of centralization under a republican government, and decentralization of local interests, are principles not contradictory but harmonious, and they are coming into prominence with every decade of our history. Methods may change, but progress is still the watchword, and the nation still lives in the strength and devotion of citizens whose powers have been developed, whose self-respect has been aroused under the American principle of local self-government.

REMARKS BY GOLDWIN SMITH.

Among others who spoke in the debate which followed the paper of Mr. Bemis, was Professor Goldwin Smith, of Canada, who complimented Mr. Bemis on his elaborate presentation of a very important subject, and trusted that its careful arrangement of facts and its evident research marked a new line in Social Science. He wished particularly to call attention to the relations between the United States and Canada. Canada was distinctly double in nature, British and American; but the intercourse now so free and lately increased by the new railroad extension, moving from ocean to ocean, tended to overcome all prejudice. The status of society was practically the same in England, Canada and the United States. His sojourn at Saratoga had been very agreeable, and he knew that when the Social Science Association should visit Canada, as the American Association for the Advancement of Science had lately done, though they would find the atmosphere arctic, the hospitality would be by no means chilly.

On the general subject of the Paper, Professor Smith said:

"Local self-government is the best means of training the democratic citizen. De Tocqueville gave us the form, but not the force, of self-government in the United States. Local institutions, alone of all the electoral institutions, really remain so. In Canada, things are much as they are here; but the horse in my stable has almost as much power as I. My power is limited to a choice between two candidates. In England, the tendency is similar. Power is passing into the hands of the caucus and of committees. Canada is worthy the study of American students, and I hope that you will come and study political institutions on her soil. We are divided by very slight lines; the institutions are the same. French Canada is still French, a surviving remnant of France before the Revolution; like the Siberian elephant, preserved from a former age in ice."

NOTE.—By permission of the Association, Mr. Bemis's paper has been published in the interesting series of historical studies issued by the Johns Hopkins University at Baltimore.

III. DISFRANCHISEMENT FOR CRIME.

BY JAMES F. COLBY, ESQ., OF NEW HAVEN, CT.

(A Paper read before the Jurisprudence Department, at Saratoga, Thursday, Sept. 7, 1882.)

Some recent writers on domestic politics pronounce universal suffrage a failure. Their conclusion, being due either to the *a priori* method of reasoning introduced into our politics not less by Garrison and Sumner than by Jefferson and Calhoun, or to the

ERRATA.

In the pages which immediately follow, *i. e.*, page 71, 2d line from top, omit the word "being"; in the 3d line of 2d paragraph, insert the word *and*, after the divided word "improvident"; page 73, in the 7th line, last paragraph, insert the following sentence, in place of the one of two lines commencing "Most of them," and ending with "ballot box," viz.: *All of them, except four—Colorado, Massachusetts, New Hampshire, and West Virginia—now disfranchise for some offences;* in the second Table, page 75, in the heading of 4th column, read *Fraud* in place of "Embezzlement"; in 5th column, same Table, read the heading, *Electoral Misdemeanors*, in place of "Election Wager," &c.; page 78, 3d line from top, read *twenty-three*, in place of "twenty-four"; same line, read *sixteen* for "seventeen"; next line, read *eleven* for "twelve"; 15th line from bottom of same page, read *sixteen* for "seventeen"; 2d line from bottom of same page, read *Table* 16, in place of "Table 161"; same line, between the words "that" and "while," read *in these twenty-seven cities;* page 79, 7th line from top, read *and one-third*, after "twenty-one"; same line, read *and one-third*, after "fifty-nine."

of the practical problem—what is the maximum restriction of the suffrage now attainable?

The old qualifications of rank and property are felt to be unjust in a society where rank may be gained by brute force or courtly favor, and where property may be acquired by fraud. Moreover, the intellectual and moral development of man has made a wide bestowal of the suffrage not only possible but expedient. Notwithstanding these changes, it will never be easy if we begin with those who, judged by any subjective standard, are the most intelligent, the most provident, and the best among the people, to draw the

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Some recent writers on domestic politics pronounce universal suffrage a failure. Their conclusion, being due either to the *a priori* method of reasoning introduced into our politics not less by Garrison and Sumner than by Jefferson and Calhoun, or to the bitter first-fruits of African emancipation, is not accepted by those who adopt the historical method in their study of politics, or who regard Simon de Montfort's device of representative government as still on trial. To such persons, universal suffrage appears to be of too recent origin to yield anything more than material for a suspended judgment. Yet it is undeniable that the first results of this greatest political experiment of the century are disappointing, and have led most educated men not only to reject the sentimental notion that the suffrage is a natural right, but also to demand its large restriction, especially in great cities, where it has been found to be pregnant with social dangers. But no one has yet been able to show how such curtailment can be effected. Political franchises have been won too often amid the throes of revolution to be surrendered upon the asking, and however much we may suffer from a too extended suffrage, it is certain that no responsible statesman will attempt its large restriction in our day.

Will it not be wise, then, for those who lament the abuses incident to this privilege when in the hands of the ignorant, the improvident, the base, to cease disputing the question—how far ought our States to have extended the suffrage,—and to attempt the solution of the practical problem—what is the maximum restriction of the suffrage now attainable?

The old qualifications of rank and property are felt to be unjust in a society where rank may be gained by brute force or courtly favor, and where property may be acquired by fraud. Moreover, the intellectual and moral development of man has made a wide bestowal of the suffrage not only possible but expedient. Notwithstanding these changes, it will never be easy if we begin with those who, judged by any subjective standard, are the most intelligent, the most provident, and the best among the people, to draw the

line between those who are fit, and those who are unfit to exercise the suffrage. In view of this difficulty may it not be wise to begin at the other end of the social and economic scale, and with as purely an objective test of exclusion as can be obtained? May it not be possible to find roughly who are the illiterate, the improvident, and the base, by consulting the public records of the State? Ought not the acts and omissions of those who are there legally branded as illiterates, paupers and criminals, to be sufficient proof of their unfitness to have the privilege of electors? Any disfranchisement to be successful in this country must follow closely the lines of the least reasonable resistance. Within such lines three qualifications, we think, may be insisted upon by the State with justice and advantage:

1. An educational qualification evidenced by ability to read and write.

2. An economic qualification evidenced by maintenance without municipal aid, and by the payment of a poll tax.

3. A moral qualification evidenced by habitual obedience to the positive law of the State.

It is now proposed to consider only the last of these qualifications—that termed moral. This adjective is here used to describe that conduct whose utility is not formally questioned by the State, even though its inutility is affirmed by the wisest members of the Commonwealth. The moral citizen, then, is he whose obedience to positive law is habitual; and, practically, this is the interpretation given to the phrase "good moral character" by the courts. This identification of law and morality is unfortunate, but we are now only concerned with the fact. Theoretically, the wisdom of restricting the suffrage to those who at least profess to obey positive law, has been admitted since the first permanent settlement on our shores. Some of the early colonies confined the privilege of voting to church members; a few of the present State constitutions mention "good moral character" as one of the conditions to citizenship; the United States statutes require an alien applying for naturalization to "make it appear to the satisfaction of the court admitting such alien . . . that during that term (five years), he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same." Practically, the enforcement of these constitutional and statutory require-

ments of good moral character has been impossible, for the law has never given naturalization courts and registrars of election any adequate means for the determination of the law-abiding character of applicants for citizenship and registration. Some objective test of moral character is essential if the elective franchise is to be effectively restricted to law-keepers.

It may be objected that the creation and application of such a test for the suffrage is impossible, because it would necessitate the coöperation of Federal and State governments. This is not true, although such coöperation would be desirable. The States can, without any aid from the national legislature, make obedience to their laws a condition precedent to the bestowal or retention of the elective franchise. Most of them now disfranchise for crimes that strike at the life of the State, or its subjects, or at the purity of the ballot-box; but how inadequate existing laws are to secure the exclusion of the immoral—the habitual law-breakers,—from the ranks of those who vote, will be seen by an examination of the annexed table, which shows the various offences for which the different States disfranchise, temporarily or permanently, by the express terms of their constitutions, or for which they authorize their legislatures to make disfranchisement a penalty.

A TABLE OF OFFENCES

For which States Disfranchise by the Express Terms of their Constitutions, or for which their Legislatures may make Disfranchisement a Penalty.

STATES.	*Treason.*	*Felony.*	*Bribery.*	*Perjury.*	*Forgery.*	*Murder.*
Alabama,	Treason.	Felony.[1]	Bribery.	.....	.....	.....
Arkansas,	.....	Felony.	.....	.....	.....	.....
California,	.....	.....	Bribery.*	Perjury. *	Forgery.*	.....
Colorado,	.....	.....	.....	.....	.....	.....
Connecticut,	.....	.....	Bribery.	Perjury.	Forgery.	.....
Delaware,[4]	.....	Felony.	.....	.....	.....	.....
Florida,	.....	Felony.	Bribery.	Perjury.	.....	.....
Georgia,	Treason.	Felony.[1]	Bribery.	.....	.....	.....
Illinois,	.....	.....	.....	.....	.....	.....
Indiana,	.....	.....	.....	.....	.....	.....
Iowa,	.....	.....	.....	.....	.....	.....
Kansas,[5]	Treason.	Felony.	Bribery.	.....	.....	.....
Kentucky,	.....	.....	Bribery.	Perjury.	Forgery.	.....
Louisiana,[20].	Treason.	Felony.[1]	Bribery.	Perjury.	Forgery.	.....
Maine,	.....	.....	Bribery.[6]	.....	.....	.....
Maryland,	.....	.....	Bribery.[7]	.....	.....	.....
Massachusetts,	.....	.....	.....	.....	.....	.....
Michigan,	.....	.....	.....	.....	.....	.....
Minnesota,	Treason.	Felony.	Bribery.	Perjury.	.....	.....
Mississippi,	.....	.....	Bribery.	Perjury.	Forgery.	.....
Missouri,	.....	Felony.	.....	.....	.....	.....
Nebraska,	Treason.	Felony.[8]	.....	.....	.....	.....
Nevada,	Treason.[9]	Felony.[9]	Bribery.[10]	.....	.....	.....
New Hampshire,	.....	.....	.....	.....	.....	.....
New Jersey,	Treason.[11]	.....	Bribery.	Perjury.[11]	Forgery.[11]	Murd.[11]
New York,	.....	.....	Bribery.	.....	.....	.....
North Carolina,	.....	Felony.	.....	.....	.....	.....
Ohio,	.....	.....	Bribery.	Perjury.	.....	.....
Oregon,	.....	Felony.	.....	.....	.....	.....
Pennsylvania,	.....	.....	Bribery.[12]	.....	.....	.....
Rhode Island,	.....	.....	Bribery.	.....	.....	.....
South Carolina,	Treason.	.....	.....	.....	.....	Murder.
Tennessee,	.....	.....	Bribery.[14]	.....	.....	.....
Texas,	.....	Felony.[15]	Bribery.	Perjury.	Forgery.	.....
Vermont,	.....	.....	Bribery.[16]	.....	.....	.....
Virginia,	Treason.	Felony.	Bribery.	.....	.....	.....
West Virginia,[18]	.....	.....	.....	.....	.....	.....
Wisconsin,	Treason.	Felony.	Bribery.	.....	.....	.....

A TABLE OF OFFENCES

For which States Disfranchise by the Express Terms of their Constitutions, or for which their Legislatures may make Disfranchisement a Penalty.

STATES.	*Robbery.*	*Duelling.*	*Embezzlement of Public Funds, Defalcation.*	*Election Wager, Misdemeanors connected with Right of Suffrage.*
Alabama,			Embezzlem'nt of Public Funds.	
Arkansas,				
California,		Duelling.	Embezzlem'nt or Misappropr'n of Public Moneys.[2]	
Colorada,				
Connecticut,		Duelling.	Fraudul't Bankruptcy.	
Delaware,[4]				
Florida,		Duelling.		Election Wager.
Georgia,		Duelling.	Embezzlem'nt of Public Funds.	
Illinois,				
Indiana,				
Iowa,				
Kansas,[5]			Defrauding U. S. or any of the States thereof.	
Kentucky,				
Louisiana,[20]				
Maine,				
Maryland,				Illegal Voting.[7]
Massachusetts,				
Michigan,		Duelling.		
Minnesota,				
Mississippi,		Duelling.[7]		
Missouri,				Election Misdemean's.
Nebraska,				
Nevada,		Duelling.	Embezzlem'nt or Defalcation of Public Funds.[10]	
New Hampshire,				
New Jersey,	Robbery.[11]			
New York,				Election Wager.[12]
North Carolina,				
Ohio,				
Oregon,				
Pennsylvania,				Wilful Violat'n of the Election Laws.[13]
Rhode Island,				
South Carolina,	Robbery.	Duelling.		
Tennessee,				
Texas,		Duelling.		
Vermont,				
Virginia,		Duelling.	Embezzlem'nt of Public Funds.	
West Virginia,[18]				
Wisconsin,		Duelling.[7]		Election Wager.[12]

A TABLE OF OFFENCES

For which States Disfranchise by the Express Terms of their Constitutions, or for which their Legislatures may make Disfranchisement a Penalty.

STATES.	*Infamous Crimes.*	*Larceny.*	*Other Offences.*
Alabama,	.....	Larceny.	Malfeasance in Office.
Arkansas,	.....	.....	.....
California,	Infamous Crimes.[3]	.....	Malfeasance in Office, or other High Crimes.[9]
Colorado,	.....	.....	.....
Connecticut,	InfamousCrimes.[10]	Larceny.[3]	.....
Delaware,[4]	.....	.....	.....
Florida,	Infamous Crimes.	Larceny.	.....
Georgia,	.....	.....	Malfeasance in Office.
Illinois.	Infamous Crimes.	.....	.....
Indiana,	Infamous Crimes.	.....	.....
Iowa,	Infamous Crimes.	.....	.....
Kansas,[5]	.....	.....	.....
Kentucky,	.....	.....	Other Crimes or High Misdemeanors.
Louisiana,[20]	.....	.....	.....
Maine,	.....	.....	.....
Maryland,	Infamous Crimes.	Larceny.	.....
Massachusetts,	.....	.....	.....
Michigan,	.....	.....	.....
Minnesota,	Infamous Crimes.	.....	.....
Mississippi,	Infamous Crimes.	.....	Other High Crimes and Misdemeanors.
Missouri,	Infamous Crimes.	.....	.....
Nebraska,	.....	.....	.....
Nevada,	.....	.....	.....
New Hampshire,	.....	.....	.....
New Jersey,	.....	Larceny.	Subornation of Perjury, Blasphemy, Piracy, Arson, Rape, Sodomy, Polygamy, Conspiracy.
New York,	Infamous Crimes.	.....	.....
North Carolina,	Infamous Crimes.	.....	.....
Ohio,	Infamous Crimes.	.....	.....
Oregon.	.....	.....	.....
Pennsylvania,	.....	.....	.....
Rhode Island,	Infamous Crimes.	.....	.....
South Carolina,	.....	.....	.....
Tennessee,	Infamous Crimes.	.....	.....
Texas,	.....	.....	Other High Crimes.
Vermont,	.....	.....	.....
Virginia,	.....[8]	Larceny.[17]	.....
West Virginia,[18]	.....	.....	.....
Wisconsin,	Infamous Crimes.	Larceny.	.....

NOTE TO PRECEDING TABLE.

[1] A crime punishable by death or imprisonment in a State prison.

[2] The Constitution adopted by California in 1879 expressly disfranchises for infamous crime, embezzlement or misappropriation of public moneys, and duelling, and says that laws shall be made to exclude from the right of suffrage persons convicted of the above starred crimes.

[3] Theft is the term used in the Constitution of Connecticut.

[4] The Legislature may impose the forfeiture of the right of suffrage as a punishment for crime.

[5] No person who has been dishonorably discharged from the service of the United States is qualified to vote or hold office in Kansas.

[6] Since 1876 "the Legislature may enact laws excluding from the right of suffrage, for a term not exceeding ten years," for this crime at any election.

[7] These crimes forever disqualify for voting.

[8] "Under the law of the State, or of the United States, unless restored to civil rights."

[9] "In any State or Territory of the United States, unless restored to civil rights."

[10] The Constitution of Nevada, Art. IV, Sec. 10, makes ineligible for office persons convicted of embezzlement, or defalcation of public funds, or bribery, and empowers the Legislature to make these crimes punishable as felonies; and by Art. II, Sec. 1, felony disfranchises.

[11] The Constitution of New Jersey, Art. II, Sec, 1, says that "no person convicted of a crime which now excludes him from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector." The laws of the State render persons convicted of the above tabulated crimes incompetent as witnesses; and if the crime is perjury or subornation of perjury, a pardon does not remove the incompetency.

[12] Disfranchises "*at such election*," as do all corrupt offers to give or receive money or other valuable thing for a vote, in both New York and Pennsylvania.

[13] Any person convicted of this offence "shall, in addition to any penalties provided by law be deprived of the right of suffrage absolutely for a term of four years."

[14] "Any elector who shall receive any gift or reward for his vote, in meat, drink money, or otherwise, shall suffer such punishment as the laws shall direct."

[15] "Subject to such exceptions as the Legislature may make."

[16] "Any elector who shall receive any gift or reward for his vote in meat, drink, money or otherwise, shall forfeit his right to elect at *that time*, and suffer such other penalty as the law shall direct."

[17] "Petit larceny."

[18] "No person who is '*under conviction*' of treason, felony or bribery in an election, shall be permitted to vote while such disability continues." The phrase "under conviction" has not yet received judicial construction in West Virginia, but is interpreted by her election officers to continue the disability only during imprisonment.

[19] "These crimes are treason, felony, and the '*crimen falsi*,'—which term includes crimes which involve a charge of such falsehood as may injuriously affect the public administration of justice by the introduction therein of falsehood and fraud, such as forgery, perjury, subornation, bribery, or conspiracy to procure the absence of a witness."

[20] And persons "who may be under interdiction."

An examination of this table shows that conviction of the offences enumerated, does, or may disfranchise, specifically as follows: of bribery, in twenty-four States; of felony, in seventeen States; of infamous crime, in sixteen States; of treason, in twelve States; of duelling, in eleven States; of perjury, in ten States; of forgery, in seven States; of larceny, in seven States; of embezzlement of public funds or fraudulent bankruptcy, in seven States; of election misdemeanors, in six States; of other high crimes or malfeasance in office, in six States; of murder, in two States; of robbery, in two States. Conviction of some of the enumerated crimes, also disqualifies for jury service in some of the States, while permanent ineligibility to office is the sole political disability that is inflicted upon those guilty of bribery or of duelling in many other States. Three States—Nebraska, Nevada and Wisconsin—admit the principle of the exterritoriality of crime in their constitutional provisions for disfranchisement. This table shows that the people of the United States, viewing the so-called right to vote as the people of Western Pennsylvania once did the distillation of whiskey—as a natural right,—have generally refused to take it away except for felonies—*petit* larceny* and violation of election laws being the only exceptions, and these only in a few States. Felonies, however, which include all the other crimes enumerated in the above table, and all of which entail disfranchisement only in seventeen States, form a very small part of the offences in any community. In Massachusetts, for instance, (Annual Report of Bureau of Statistics of Labor, 1880, pp. 181–188) out of the 578,458 sentences inflicted in the twenty years, 1860–1879 inclusive, only 57,873 or ten per cent. of the total were for felonies (including larcenies). That the proportion between felonies and misdemeanors which thus appears to exist in Massachusetts is not exceptional, is made probable not only by the police records of our largest cities extending over a long term of years, but also by a comparison of the criminal statistics of twenty-seven of our largest cities for a twelve-month, made from official documents by Mr. Frederick L. Jenkins, of the Police Department of Brooklyn. (Report of Dept. of Police, of Brooklyn, 1876, Table 161.) Mr. Jenkins shows that while the number of officers to the population varies from 1 to 410 to 1 to 1,500,

* See notes 3 and 17, on page 77.

and the number of arrests to the population from one to nine and three-quarters, to one to twenty-six and four-fifths, the percentage of arrests for felonies (including larcenies) to the total arrests, varies from five per cent. in New York, to twenty-two and a half per cent. in Albany, and the percentage of arrests for drunkenness and drunkenness and disorderly conduct to the total arrests, varies from twenty-one per cent. in Charleston, S. C., to fifty-nine per cent. in Philadelphia. The average percentage of arrests for felonies (including larcenies) in these twenty-seven cities to the total arrests reported, is only eleven per cent., but the average percentage of arrests for the two misdemeanors, drunkenness, and drunkenness and disorderly conduct, to the total arrests, is thirty-eight per cent.

Making due allowance for possible errors* in the foregoing statistics, and for the fact that the reports cited are for different years, it is still impossible to avoid the conclusion that misdemeanors which are not punishable by disfranchisement, are the occasion of four-fifths, and, perhaps, of nine-tenths of all crime reported in localities where population is dense. If this inference is correct, there can be no doubt that the State suffers more economic injury from the constant attack of misdemeanants—drunkards, brawlers and thieves—than from the occasional assault of felons. To measure that injury accurately, is, with present statistical data, impossible, for the economic cost of crime is made up of the value of property destroyed by criminals, the loss occasioned individuals in defending themselves and their possessions; the expenditures for police, prosecutions, magistrates, and jailors; the outlay for prisons and houses of correction; the interest on all permanent investments for the detection and punishment of criminals; the expense of their maintenance while confined;

*Great caution is necessary in the interpretation of statistics, especially the statistics of crime, even after all errors which attend their collection have been eliminated. There is no common nomenclature for crime, and no system of registering the administration of criminal law. In no State do the reported arrests include all its crime; many offenders escape through the stupidity of the police; some through the unwillingness of those who are injured to prosecute. The crime for which conviction is obtained, is often less serious than that charged; the same person may be arrested a score of times each year; and even if all these elements of error were eliminated from police reports, no comparison of the crime of different cities or States would be fair which omitted to state the number of non-residents taken into custody, the proportion between the police force and the population, and the differences in the laws in force in the specified cities or States, as well as the inequalities in the administration of those laws.

and the diminution of industrial force due to the withdrawal of both criminals and ministers of justice from the ranks of productive consumers.

Until the Census Bureau issues its bulletins upon crime, no reliable estimate can be made of the value of some of these elements in its cost; the value of others is only known in a few States. In Massachusetts, which we select for illustration because of the fulness and accuracy of its statistical returns, there was expended (10th Annual Report of Commissioners of Prisons, 1881, p. 39), in 1880, for

Police,	$1,350,000
Courts (one-half of their cost),	90,254
District and Police Courts (three-fourths),	150,000
County Prisons,	186,944
State Prison,	20,000
Reformatory Prison,	70,000
House of Industry,	74,000
State Workhouse,	30,000
	$1,971,198

If to this sum we add $200,000, the annual interest at four per cent. upon $5,000,000, the estimated valuation of the State Prison, Reformatory Prison, and county prisons of Massachusetts, as reported by Mr. W. F. Spaulding, Secretary of the Commissioners of Prisons, and omit the annual expenditure for the reformatory schools at Westboro' and Lancaster, the annual interest on the valuation of the House of Industry and the State Workhouse, and the loss of industrial force occasioned, directly or indirectly, by law-breakers, it appears that the cost of crime to Massachusetts for one year, was $2,171,198, or $1.21 per head of the population. Although Massachusetts is well supported by what John Adams called the four pillars of the republic—the church, the school-house, the town meeting and the militia—no inference can safely be drawn from these statistics of the cost of crime to the whole country, unless allowance is made for the fact that the value of the elements in the cost of crime here enumerated is largest where population is densest, the laws most complex and repressive, and reformatory agencies most abundant.

But whatever may be the exact annual cost of crime to the people of the United States, the burden of taxation directly traceable to criminals is enormous, and four-fifths, and, perhaps, nine-tenths of these are, as we have seen, misdemeanants.

But there is reason to believe that the penalties now imposed upon misdemeanants have small deterrent effect. Few persons, probably, are aware how frequently misdemeanors—especially drunkenness and larceny,—are repeated by the same individual. The Board of Police Justices of the city of New York say (Report for 1875, p. 18), "instances have occurred of persons having been committed to the island for this offence (drunkenness), over 100 times." Providence reports for the years 1870–73, an average of 4,444 arrests for drunkenness; the average of repeaters for this offence being 1,283; and, during the last year, 1873, 683 persons were arrested twice, 207 persons three times, and John Smith twenty-four times for the same offence. Brooklyn presents the following confirmatory evidence, which, unhappily, has a parallel in the experience of all our great cities:

Number of Times each Person Arrested was taken into Custody in Brooklyn during the Year 1880.

TIMES.	Total Number Arrested.	For Drunkenn's.	For Drunkenness and Disorderly Conduct.	For Petit Larceny.	For Grand Larceny.	For other Felonies.	For Misdemeanors.
Once, . . .	14,047	8,811	835	1,116	268	148	2,869
Twice, . .	690	760	98	108	14	45	355
Thrice, . .	190	231	37	29	6	37	230
Four, . . .	72	129	33	11	2	21	92
Five, . . .	40	82	30	19	1	13	55
Six, . . .	25	85	20	15	. . .	5	25
Seven, . .	6	28	. . . .	. . .	. . .	. . .	14
Eight, . . .	5	30	5	. . .	. . .	. . .	5
Nine, . . .	3	20	. . . .	. . .	. . .	. . .	7
Ten, . . .	3	20	. . . .	. . .	. . .	. . .	10
Eleven, . .	1	11	. . . .	. . .	. . .	. . .	. . .
Totals, .	26,785	10,207	1,058	1,298	291	269	3,662

Such statistics show that the customary punishments of fine and short imprisonment have no terrors for the "habitual misdemeanant," and the testimony of all penologists is that the sanctions of law must be changed to correspond to the changed conditions of society. Inequalities of wealth have always made the fine an unsatisfactory penalty, and the presence in modern States of a large body of paupers and proletarians, who are hereditary criminals, often makes the collection of a fine impossible, so that its imposition is, like a sentence to short imprisonment, only a welcome invitation to food and shelter. Moreover, when a fine is paid, it often inflicts more suffering upon an innocent and dependent family than upon the criminal, and knowledge of this fact embarrasses magistrates in passing sentence. Nor is the other customary punishment for misdemeanants more satisfactory. "Repeated short sentences," said the late Dr. Wines, "demoralize the prisoner, discourage the officers, impose a heavy tax on the public, and interpose an insuperable bar to his reformation." We may safely conclude with another penologist that whatever may be thought of the efficacy of administering infinitesimally-attenuated remedies for physical disease, "infinitesimally-attenuated sentences are certainly unsuccessful in the treatment of moral infirmities."

Such, then, is our condition: universal suffrage exists, and cannot be greatly curtailed; a large criminal population dwells in our midst, albeit there is an abundance of fertile land still unoccupied; protection against its ravages necessitates the withdrawal of thousands of able-bodied men from the ranks of active producers, and the annual expenditure of millions of dollars for police, criminal courts, and prisons; only a small part of these offenders against society are disfranchised; the remainder—misdemeanants—are not effectively deterred from crime by the present penalties, and while law-breakers, inflicting heavy taxes upon law-keepers, are suffered to become and to remain voters—law-makers. The absurdity of the situation is equalled only by its danger, for wherever a bare majority rule and the will of law-breakers is allowed legal expression, the action of the majority and of the State may be determined by its basest elements. The practical suffrage question for us, therefore, is: Can this danger be diminished by any change of law? We believe it can, and that the most direct and, perhaps, the most feasible method of accomplishing it is by the enactment of:

(1.) Laws establishing a systematic registration of criminals, with provisions for the publication and exchange of criminal registers.

(2.) Laws so extending the use of disfranchisement as a penalty for crime for males, that conviction for any felony shall, in addition to other punishments, entail, *ipso facto*, permanent political disability; and that a single conviction for certain misdemeanors which imply unfitness to discharge the duties of a voter—as, for example, illegal voting, and *petit* larceny,—or such repeated convictions for any misdemeanor or different misdemeanors as may by statute law and judicial construction constitute one an "habitual misdemeanant," a "common drunkard," or "a repeater," shall, in addition to any other penalties, be followed by a temporary loss of the suffrage.

(3.) Laws requiring clerks of criminal courts to report at stated times the names and descriptions of all persons convicted of disfranchisable crimes to clerks of naturalization courts and to registrars of elections, whose duty it shall be to refuse to such persons citizenship and registration until the disability is removed.

To this proposal, three objections are liable to be made:

(1.) Criminals are not amenable to public opinion; they do not value the suffrage, and would not mind disfranchisement. This objection is plausible, but, even if admitted, it would not be conclusive, because one of the ends of punishment is the protection of the State from those who have already been adjudged lawbreakers, and, consequently, the utility of a penalty which deprives offenders of all power of determining the national will, as expressed at the polls, may be large even though its reformatory and deterrent effect is small. It ought to be remembered in all discussions of penal questions that a large majority of felons and habitual misdemeanants are hereditary criminals—"the tribe marked by small cranium, large jaws, abnormal attachment of ears, thin, black, tufted or curly hair, obliquity of eyes, impulsiveness, vanity, and irritability,"—who defy all social sanctions, despise all political privileges, and, with rare exceptions, are never radically reformed nor long deterred from crime. It is unpleasant to have to acknowledge the existence and persistence in society of what is apparently an irreclaimably immoral element, but nothing can be gained by blinking its constant presence, while much may be lost by neglecting its political disarmament. The fact, then, that this

traditional and implacable foe of social order does not value the suffrage, constitutes no valid objection to its disfranchisement, so long as the security of the State is thereby increased. There is, however, a class of criminals upon whom there is reason to think disfranchisement would have a reformatory and deterrent effect. These are the "occasional misdemeanants"—men of strong passions and weak wills—who, when tauntingly challenged, or exasperated by threat or blow, or overcome by drink during periodical festivity, or stung to desperation by poverty, or maddened by a lock-out or the failure of a strike, or excited by the gusts of political passion, defy law, and pay by fine and short imprisonment for the license of an hour. Such persons are not irretrievably committed to criminal careers; they have some self-respect, and condemn their own lawless acts; they are amenable to public opinion, though it may be that of their own class; they also value the suffrage, if for no other reason, because it gives power. Educated and refined men often shun the caucus, and go reluctantly to the polls, but these occasional wards of the State, be the motive what it may, always vote—early and sometimes often. Is it not, therefore, possible that misdemeanants would feel political disability to be a greater punishment than fine or short imprisonment? Is it not even probable that while the suffrage continues to be prized as highly as it now is, even in those States where the corrupt, insolent and despotic spoils system has produced the most disgust and the most indifference to political duty, the fear of disfranchisement would be a potent check upon the passionate violence, the periodical drunkenness, and the petty pilfering of a class whose social inferiority makes it value the suffrage, at least, as a badge of legal equality? To vote, is, in a democratic State, to assert that equality, and though an offender may show no shame for the crime which disfranchises him, yet, when saluted among his cronies as "the retired politician," or "the ex-senator," he winces because the epithet publishes his inferiority in power.

2. The number that would be disfranchised by such an extension of this penalty as is here advocated, would, it may be objected, be too small to sensibly affect elections, since a large number of females are included in returns of arrests and convictions.

Careful examination of such returns as we have been able to obtain from different cities and States, discloses the fact that not more than one-third, commonly not more than one-sixth, and

sometimes not more than one-tenth of the whole number of persons arraigned and held for trial are females. Hence, the argument that disfranchisement, even if a common penalty for crime, would do little to purify registry lists, may be dismissed as too weak to need further answer.

3. Disfranchisement, it may be still further objected, is too severe a penalty except for felons, too liable to be unjustly imposed to make its use expedient in courts of summary jurisdiction, where misdemeanants are tried, too apt to discourage young and thoughtless offenders till hope of civic respectability and honor is abandoned and a life of crime is deliberately chosen.

Without commenting upon the contradiction between the allegation that this punishment might fatally dishearten some offenders, and the objection previously raised that the criminal class would be indifferent to the loss of suffrage, it is a sufficient answer to the statement that injustice might sometimes result from disfranchisement by police courts, to say that, if so, this would only prove a defect in the administration of the law, and one not incapable of remedy. But is it true that disfranchisement, permanent or temporary, is too severe a penalty for such misdemeanants as we have described? We have no hesitation, in view of the persistence of these social pests, the frequency of their offences, and the complete failure of milder remedies, in answering this question in the negative. The time has come for those who never tire of saying "pity is due to the criminal" to be reminded of Sir Matthew Hale's words, "pity is also due to the country."

In primitive society, the greatest danger is from foreign enemies, and men are not squeamish in exercising the right of self-protection; now, the growth of commerce and the development of inter-state morality having limited the theatre of war for those in whom the instinct of plunder, strengthened by long ages of conflict, still survives, the greatest danger of the State is from domestic foes, — a parasitic or predatory tribe, made up of the surviving savages, whom the experience of centuries proves incapable of civilization, the occasional revertents to the older savage type, and "the sediment and failures of civilization," the weak, the lazy, the thriftless, the vicious, the wilful violators of physical, mental and moral law, or the helpless victims of adverse environment, or the pitiable sufferers for ancestral ignorance and vice. But, unhappily, the abnormal development of the sentiment of sympathy in modern times has wellnigh

unfitted us to deal successfully with this criminal tribe. Once the protection of the State was the only consideration, and hanging kept down the criminal population; now "we do not act either upon the reformatory, or the retributive, or the purely defensive principle, but on a feeble muddle of all three; so he (the criminal) lives and thrives and multiplies, nourished in the bosom of the silly society on which he preys."

Four times within the present century (1810–11–16–18) was Sir Samuel Romilly's bill abolishing death for the stealing of goods of the value of five shillings only, thrown out of the House of Lords; and, in 1819, the capital offences under English law "reached the number of two hundred and twenty-three," but, today, though "habitual criminality" is known to be what Edwin Hill describes it, "a trade or craft in which the operatives living mostly from hand to mouth, are, as in other crafts, dependent upon the support of the capitalists who devote their means to the purposes of the craft, the operatives being, as in other crafts, numerous, while the capitalists are comparatively few."* These criminal capitalists — the owners of the trade premises where offenders congregate and plan crimes, the receivers of stolen goods, the manufacturers of burglar's tools, and the middlemen who convert the vicious into criminals, are in some cases competent to vote and hold office immediately upon release from prison, while even the proposal to disfranchise, permanently or temporarily, the laborers of this craft, the vast majority of whom are misdemeanants, is denounced as cruel. No one advocates a reënactment of those Draconian codes which, by failing to establish a morally right proportion between offence and punishment, constantly recruited the class whose extermination was intended; though some maintain that these codes were "an essential factor of progress, and that our present civilization would have been impossible had there not been some such weeding out and keeping down of the foes of civilization which developed within its body," as was effected for ages by their wholesale executions; but, in the reaction of this century against the brutality of the past, the other extreme has been reached. Now, though the haunts of the criminal class, and many of its capitalists, its feloniously skilled journeymen, and its misdemeanant apprentices, are as well known as the location of Bunker Hill or the face of our last murdered President, shallow ideas of

*See the Paper immediately following.

individual rights, traditions of Anglican liberty, and false notions of the strength of republican institutions guarantee personal freedom to this "dangerous class," till its members so violate law that it can be proved beyond a reasonable doubt to the most stupid, or corrupt, or sentimental of the twelve jurors. Even then, as Mr. Gregg says, though "all who have really studied the question feel satisfied that professional crime and the class that habitually live by violation of the law might be wellnigh exterminated by the perpetual seclusion of the incorrigible, and by the infliction of the special penalties which are truly deterrent, still we go on from day to day making the criminals as comfortable as we can, pitying them and petting them when an opportunity occurs, raising an outcry against any penalties which are painful, and thinking we have done enough, and arguing as if we had done all we had a right to do, if we tie the hands of the most practised robber and ruffian for a time." Is not such lenity toward those who are "a burden to industry and a menace to property" severity toward law-abiding tax-payers? When Colorado (Constitution, Art. 7, sec. 10), provides that "no person while confined in any public prison shall be entitled to vote" at any public election, but allows that privilege to criminals, of all grades, immediately upon release from prison, is she not sacrificing the substantial interests of a State to the idea of individualism? When Michigan (Constitution, Art. 18, sec. 3), for the supposed gain to struggling industries of perennial infancy provides that "no mechanical trade shall hereafter be taught to convicts in the State prison of this State, except the manufacture of those articles of which the chief supply for home consumption is imported from other States or countries," is she not cruel to her "laborers," in failing to protect them against the political competition of her convicts (except duellers), from the moment of their discharge from prison? When Massachusetts suffers a misdemeanant to receive eleven thirty-day sentences in one year, and invites him if he happens to be out of jail on election day, to assist in trying to rule the Commonwealth by voting for "the Tichborne claimant," is she not over-estimating the educational value of the suffrage, bringing her law into contempt, and giving an artificial advantage in the struggle for survival to a class whose existence increases the severity of the conflict to every honest and industrious citizen?

Further, critics who pronounce disfranchisement too rigorous a

punishment for misdemeanants will do well to study the incidence of crime more closely. Murder, manslaughter and robbery, whose injurious effects upon society are direct, neither occasion as much immediate suffering and vice, nor breed as many paupers and criminals as drunkenness and larceny, whose baneful results are more indirect. It is difficult to trace the incidence of crime, for it varies with every social change, but civilization, division of labor, commerce, the resulting complexity of life and mutuality of interests, and the diverse forms of communism unconsciously adopted, have greatly widened the area over which the injurious effects of any immoral act are felt, and have made each man his brother's keeper in a far deeper sense than is possible in a primitive society. Notwithstanding this difficulty, we may safely challenge the opponents of disfranchisement for misdemeanors to point out two offences that inflict wider suffering, or produce more hereditary criminality than drunkenness and the wrongful appropriation of property. "A torrent of authorities" might be cited to prove that, among all causes of crime, intemperance stands out the "unapproachable chief." One must suffice, and we select Col. Carroll D. Wright, who, as chief of the Massachusetts Bureau of the Statistics of Labor (Annual Report, 1881, p. 479), reports that the whole number of sentences inflicted by the Courts of Massachusetts in the twenty years 1860–1879 inclusive, was 578,458, of which 340,814, or nearly 60 per cent. were for the six distinctive rum offences, — "drunkenness, common drunkard, liquor selling, liquor nuisance, liquor carrying, and liquor keeping;" and that in the county of Suffolk, in Massachusetts, in one year (Sept. 1, 1879 to Sept. 1, 1880), 72 + per cent. of the total number of sentences were for distinctively rum offences, and that 12 + per cent. of the total number of sentences were for other offences committed while the perpetrators were in liquor, making a total of 84 + per cent. of all crime due, directly or indirectly, to the influence of liquor. Of the comparative injury done to society by larceny, and by murder, manslaughter and robbery, Col. Wright testifies that of the total number of sentences imposed in Massachusetts in the above specified period of twenty years, 40,574 were for larceny, and only 807 were for "murder, manslaughter and robbery," those for larceny being exceeded only by those for rum offences, and for assault, and for assault and battery.*

* Of the remaining sentences, 81,440 were for offences against the person, not

Moreover, studies in heredity tend to prove that no social groups perpetuate through their descendants so much crime and vice and suffering as drunkards and thieves. If, in spite of this cumulative evidence of the injustice done to law-abiding citizens by States that fail to punish drunkards and thieves politically, it is still objected that disfranchisement is too severe a penalty for these offenders, we have only to add that, if satisfactory proof of their reformation is given, the Constitutions of ten States, — Connecticut, Florida, Kansas, Minnesota, Nebraska, Nevada, North Carolina, New Jersey, Rhode Island, and Wisconsin,— expressly permit restoration to the suffrage; some of them by a two-thirds vote of the legislature, others by a majority vote.

Precedents are not wanting for the use of disfranchisement as a penalty for crime, especially in States whose codes are based upon the Roman law, in which political disability was not an uncommon sanction.

France divides all offences into two classes: crimes and misdemeanors. All crimes are punished by inflictive and infamous penalties, which involve loss of political privileges; and for certain misdemeanors the French courts may add to the ordinary penalty that of temporary or permanent disfranchisement. The French Electoral Law of February 2, 1852, with its amendments, forbids inscription upon the electoral lists of persons condemned to inflictive or infamous punishments, or for theft, swindling, breach of trust, abstraction committed through the depositaries of public moneys, or attacks against public morals, whatever the term of punishment to which they have been sentenced; persons condemned for publishing incitements to crime, or for attacks against the principle of property and the rights of the family; persons sentenced to more than three months' imprisonment for fraudulent registration, fraudulent voting, bribery, threatening or intimidating an elector, causing one or more electors to abstain from voting by false rumors or other fraudulent devices, intimidating or disturbing an electoral college by riotous assembly, abstracting, adding to or altering the ballots cast while an election officer, delaying by threat or violence the oper-

feloniously,—assault, assault and battery; 39,154 were for offences against chastity, morality, and decency; 17,458 were for disturbing the peace; 14,753 were for other offences against property,—burglary, arson, and malicious mischief; 2,461 were for offences against the currency and criminal frauds; 849 were for other offences against the person, feloniously; and 40,148 were for all other offences.

ation of an electoral college while a member thereof, or for carrying away an urn containing ballots not yet counted; persons sentenced for vagabondage or begging; persons condemned to imprisonment for three months or less for destroying registers, records of public authority, deeds, notes, bills of exchange, or other instruments of commerce imposing an obligation or operating as a discharge, or for destroying the crops or trees of another, or causing the death of horses or cattle by putting poison in wells or reservoirs; persons establishing or employed in any lottery, gaming-house or pawn-shop not authorized by law; persons condemned for usury or interdicted; bankrupts not rehabilitated whose bankruptcy has been declared either by the French tribunals, or by judgments rendered by foreign courts but executed in France; and it is added that persons condemned to more than one month's imprisonment for rebellion, insults or violence toward the depositaries of authority or of public force, or for public insults toward a jury because of its verdict, or toward a witness because of his testimony, or for misdemeanors provided for by the law upon mobs and clubs, shall not be inscribed upon the electoral lists during five years from the date of the expiration of their punishment.

Germany, by her new penal code, divides punishments into four kinds; that of the first degree, termed Zuchthaus (Correction House), being inflicted for dishonorable crimes for which the penalty is imprisonment for life, or, if for a fixed term, from one to fifteen years; and that of the second degree, termed Gefängniss (Jail), being inflicted for offences for which the penalty is confinement from one day to five years. This code further provides that sentence to Zuchthaus shall entail permanent incapacity to serve in the army or in the navy, to hold public office, to act as an attorney, an advocate, a notary or a juryman; and adds that, along with punishments of the first degree, judgment may be given involving the loss of civil privileges; and that, along with punishments of the second degree, judgment may be given involving the loss of civil privileges only when the duration of the punishment pronounced reaches three months, and either the law expressly permits the loss of civil privileges, or a punishment of the second degree is pronounced instead of one of the first degree on account of supposed mitigating circumstances. If sentence is to Zuchthaus, loss of civil privileges may be inflicted for not less than two nor more than ten years; if to Gefängniss, the same disability may

be imposed for not less than one nor more than five years. As the civil privileges of the German citizens are defined to include the privilege to elect and to be elected, it is apparent that the large discretion given to the German magistrates by the new penal code, enables them to make large use of disfranchisement as a penalty for those offences which we call misdemeanors.

Italy, pending the adoption of a penal code for the whole kingdom, regulated electoral privileges by the laws of December 17, 1860, and March 20, 1865, which, as we understand, are still in force, except in Tuscany. The first of these laws contains the following provision: Art. 104: "Those who have been condemned to criminal penalties, or convicted of theft, fraud, or attempts against good morals, cannot be either electors, or eligible to office, nor exercise the rights thereof." The second of these laws embodies the following provision: Art. 26: "Those who have been condemned to criminal punishments, or to correctional punishments, or to particular interdiction (while such interdiction lasts), and finally those who have been convicted of theft, false pretences, or of attempts against public morals, shall be neither electors nor eligible to public office."

Holland by her National Penal Code, which has recently been completed but is not yet in force, abolishes the distinction between crimes and misdemeanors, and between criminal and correctional punishments, but allows her courts, in certain authorized cases, to deprive those condemned: (1) of all, or certain public offices, (2) of the right to serve in the army, (3) of the right to vote, and of elegibility, (4) of the right to act as judicial counsel or administrator, guardian or trustee, subrogated guardian or trustee, except of their own children, (5) of parental authority, of the guardianship and trusteeship of their own children, (6) of the exercise of certain employments. The deprivation of these rights continues, if sentence is for life, during life; if the sentence is for a shorter term of imprisonment or detention, or to pay a fine, the deprivation of these rights continues at least two years, and not more than five years.

Belgium by her Penal Code of 1867, and her Electoral Law of 1881, punishes those condemned for certain offences by depriving them of the right: (1) of filling public offices, (2) of voting, of election, of elegibility, (3) of bearing any decoration, or any title of nobility, (4) of being a juror, an expert, an

instrumentary witness or certifier of deeds, or of testifying in court except to make a simple statement, (5) of taking part in any family council, of being called to the functions of guardian, subrogated guardian or trustee, except for their own children and conformably to the opinion of a family council, of filling the function of judicial counsel or provisional administrator, (6) of carrying arms, of being a member of the civic guard, or of serving in the army. Perpetual deprivation of all the rights above enumerated must be pronounced against every person condemned to the punishment of death or of hard labor. Persons pronounced guilty of certain violations of the Electoral Law, especially of electoral corruption, of obstructing electoral operations, of divulging the secret of votes, may or must, according to the gravity of the offence, be deprived of the right to vote and of elegibility for a time which shall not exceed ten years. Courts of assize may forbid, in whole or in part, perpetually or from ten to twenty years, the exercise of the above enumerated rights to those condemned to imprisonment or to detention. Individuals condemned for any of the following acts to a punishment of imprisonment from eight days to five years, or of a fine of twenty-six francs or less, may or shall be deprived for a term from five to ten years of the exercise of all or a part of the above enumerated rights :— plotting against the life of the king, members of the royal family, or the ministers of state ; bribery ; arson ; receiving stolen goods, and swindling ; attacks against public morals ; forming an association to attack persons or property ; the unauthorized keeping of a gaming-house, or serving therein ; the denial by a judge or administrator of justice to the parties ; the unauthorized instigation, rendering or signing by any judge or public functionary of a judgment, mandate, or order of arrest, against a minister, senator, or representative ; causing the rise or fall of the price of provisions, merchandise, or public property by fraudulent means while commandant of a military division or province, and participating in frauds upon the nature, the kind or the guarantee of works or supplies while a public functionary, agent or servant salaried by the Government. No person condemned for any of these offences can be deprived of the exercise of the above enumerated rights if less than sixteen years of age.

Denmark and Norway have no laws which specifically make disfranchisement a penalty for crime, but in both countries, ac-

cording to M. F. Stuckenberg, editor of the Danish Prison Review, every infamous crime entails, *ipso facto*, the loss of political privileges. In Norway this political disability is permanent, but in Denmark a law of April 3d, 1868, permits the condemned person, five years after the expiration of his sentence, to solicit rehabilitation, one of the conditions of which is the production of satisfactory evidence of honorable conduct throughout the five years, and rehabilitation can be obtained only once after the condemned attains the age of twenty-five years.

Sweden confers power upon her magistrates to add disfranchisement, temporary or permanent, to the other penalties inflicted for such crimes as high treason, forgery, perjury, murder and homicide, immorality, incendiarism, theft, robbery and fraud.

England makes forfeiture of the privilege of voting a penalty only for offences connected with the exercise of the franchise itself. "The Parliamentary Elections Act of 1868" and "The Municipal Corporations Act, 1882," provide that any candidate guilty of personal bribery shall be punished by having his election declared void, by ineligibility to the House of Commons for seven years, and by being disqualified during the period of seven years to register or to vote in any election in the United Kingdom, or to hold any ministerial, or municipal, or judicial office. Other persons guilty of bribery are punishable by a like disfranchisement and disqualification. The law of 1868, stringent though it is, seems likely to be superseded by one of still graver political sanctions, a bill for the better prevention of "Corrupt and Illegal Practices at Parliamentary Elections" having been introduced by the Government in February, 1882. This bill defines Corrupt Practice to mean any form of treating for the purpose of influencing a person to vote, or refrain from voting, bribery, undue influence or personation, and provides the following punishment: "A person who commits corrupt practice shall be guilty of a misdemeanor, and on conviction on indictment shall be liable to be imprisoned, without hard labor, for a term not exceeding two years, and to be fined any sum not exceeding five hundred pounds; and shall not be capable during a period of ten years from the date of his conviction:

(*a.*) Of being registered as an elector or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for any public office within the meaning of this Act; or

(*b.*) Of holding any public or judicial office within the meaning of this Act, and if he holds any such office the office shall be vacated.

"Any person so convicted of a corrupt practice in reference to any election shall also be incapable of being elected to and of sitting in the House of Commons during the ten years next after the date of his conviction, and if at that date he has been elected to the House of Commons his election shall be vacated from the time of such conviction."

This bill further defines illegal practices to be the employment of any person or persons for the purpose of promoting the election of any candidate at any election except such persons as are specifically excepted by this Act, or any payment or contract for payment for the purpose of promoting the election of a candidate at any election excepting those payments or contracts for payment specifically excepted in this Act, or the use as an election committee-room of any premises licensed for the sale by retail of intoxicating liquor, or any expenditure for electioneering purposes in excess of the maximum allowed in this bill, or providing money for any payment which is contrary to the provisions of this Act, or procuring any person to vote who is unqualified; and prescribes that "A person guilty of an illegal practice shall on summary conviction be liable to a fine not exceeding one hundred pounds, and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for a public office within the meaning of this Act."

Whatever else may be said of the comparative merits of the electoral laws of Great Britain and the United States, this proposed enactment is worthy of adoption by our Commonwealths which now affix no political disability to bribery except disfranchisement "*in that election*" in which it is discovered. The limited use hitherto made of this penalty in Great Britain has been due, probably, to her long restricted suffrage and her belief that qualifications of rank and property exclude from the the electoral body nearly all persons of criminal tendencies. But it cannot be doubted that the recent extensions of the franchise in Great Britain are making changes that must, sooner or later, compel her to extend the application of disfranchisement to a large number of offences.

This is already foreshadowed by "The Criminal Code Bill" (A. D. 1880), prepared by Sir James Fitzjames Stephen, and now awaiting adoption by Parliament, which contains the following provision: Sec. 374. "Every one who is sentenced for any crime to imprisonment with hard labor, or for a period of more than twelve months, or to any punishment of greater severity, is, until he has undergone his sentence or been pardoned, incapable of holding any public office or ecclesiastical benefice, or of exercising any parliamentary or municipal franchise in the United Kingdom."

But the wider use among our States of disfranchisement as a penalty for crime finds support, not only in the example of foreign countries, but also in the writings of one of our own jurists, whom Sir Henry Maine calls the "first legal genius of modern times," — Mr. Edward Livingston — and in the teachings of the most eminent of our living publicists, Ex-President Woolsey. Mr. Livingston, in the System of Penal Law which he prepared for Louisiana, made suspension or forfeiture of political rights one of the penalties for numerous crimes, and advocated the extension of this punishment (Art. 137) to those who, when exercising any corporate or private office shall receive a bribe, and to those who may bribe or attempt to bribe them; and (Art. 316) to any one who, not having property of sufficient value to pay his debts, shall make any simulated conveyance, mortgage or other disposition of any part of his property for his own use or the use of his family, and in order to prevent the same from becoming liable to the payment of his debts; and (Art. 320) to any one who, not having sufficient property to pay his just debts, shall voluntarily suffer a judgment to be entered in favor of any one, that shall bind or encumber any real property, or on which any personal property shall be seized, for a sum not due, or without consideration, or for an inadequate consideration, shall convey, or mortgage, or affect by any onerous condition any of his property, or for a larger sum than is really due, with intent to defraud his creditors, or some one or more of them. Ex-President Woolsey (Political Science, Vol. I., pp. 367, 368) says: "No objection can be brought of any weight against making disfranchisement by itself a penalty for some offences, especially for those which tend to corrupt the political system. . . . . This, further, is a penalty well suited to times and to States where universal suffrage and the arts of the demagogue flourish. . . . Besides advocating

the free use of penalties like ignominy or political dishonor, for misdemeanors especially political, we suggest that it be applied in other cases such as show an unfitness to discharge the duties of voting or holding office, of sitting on juries. All convictions for theft, all arrests for drunkenness, all assaults and brawls, for which imprisonment for any length of time is the stated penalty, all convictions for frauds in business involving a similar punishment,—in fact, all that renders a man ignominious as well as amenable to the criminal law, should have this as a concomitant of the main penalty, on the ground that suffrage and office are privileges to be won at first and kept afterwards by good and honorable conduct. The penalty, however, should be temporary, at least for minor offences."

Such are some of the reasons, and such are some of the precedents for the exclusion of all felons and many misdemeanants from the electorate. This policy of punishing crime politically, if adopted and maintained, would tend: first, to purify the electoral body by purging it of its most corrupt and corruptible elements, and so preserve the national life by limiting its control to law-abiding citizens; second, to lower taxes by divesting the most wasteful and least productive members of society of all power, directly or indirectly, to appropriate the public moneys, and by substituting, in many cases, an inexpensive disability for an expensive confinement; third, to reform occasional offenders, and to deter the young from criminal acts by appealing to two of the strongest motives to lawful action which operate in a democratic country, — fear of permanent political inferiority and hope of civic honor.

The need of bringing these motives to bear more directly upon the young cannot be more forcibly stated than by a simple recital of the facts that a state so preëminent for educational facilities, so abounding in opportunities for honest, industrial careers, and so thoroughly furnished with reformatory agencies as Puritan Massachusetts, reports that on one May-day (1875), of all the males under confinement in that State 37 + per cent. were under twenty-two years of age, and 86 + per cent. under forty-one years of age (Report of Bureau of Statistics of Labor, 1877, p. 207); that 16 + per cent., or about one-sixth of all the prisoners committed to her State Prison during the twenty-five years, 1857–1881, were from fifteen to twenty years of age, the

aggregate number for the period being 704, and that the percentage for the past year (1881) is the largest in twenty-five years (Report of Commissioners of Prisons, 1882, p. 23); that, out of the whole number of commitments to the State Prison during the past twenty-five years (1857–1881) 523, or 12 per cent. were recommitments; and that for the last five years (1877–1881, both inclusive) the percentage of recommitments is larger than for any previous five years in the last quarter of a century (Report of Commissioners of Prisons, 1882, p. 22).

The extreme mobility of our population, which led Chevalier to say that we have this in common with Tartars, that we are always on horseback, makes it necessary to abandon the notion that crime is territorial, if political disability is to be made a thoroughly effective penalty. No State, though protected by laws disfranchising all persons committing crime within its jurisdiction, as well as by Federal extradition treaties and constitutional provisions for the rendition of fugitives from justice to the State from which they fled, is secured against the participation of criminals in its elections, unless it also excepts from the privilege of voting,—as do now only three States, Nebraska, Nevada, and Wisconsin,—"those who are disqualified as electors, or from holding office in the State or States from which they come." Such provision as this for the punishment of exterritorial offences, if accompanied with the establishment of Central Registers of Crime, like those instituted in France, Portugal and Italy, and the yearly exchange of these registers between all the States, would, it is believed, supply the means now most needed to prevent the usurpation by criminals of the name and privileges of honorable citizens, and to promote a rapid improvement in social order.

The fact that much crime is due to heredity and to pitiable causes, which make it worthy of discriminating treatment, constitutes no reason for *political* indulgence to its perpetrators. The continuity of the State demands that its foes be politically disabled, whether they are avowed enemies heralded by declaration of war, or nominal friends sapping its strength in drunken or furtive silence. No plea for political lenity towards criminals on the ground that they are too few in number to endanger the perpetuity of the State is admissible,* while "a quarter of a million persons

* The New Englander, July, 1878, p. 527.

are alive, in the United States, who have been convicted of crimes which, in the last century, would have cost them their lives, ... a great majority (of whom) are or will be free to breed and educate a new supply." The subjection of the forces of barbarism to those of civilization must be longer continued and far more complete before atavism will be our only peril. But, even if the danger from criminals was too small to jeopard national life, to deprive them of the franchise only "while in prison," must be as fatal to wise legislation as that provision of the Constitution of Texas, adopted in 1868, (Art. XII. sec. 48) which declares that "the legislature may prohibit the sale of all intoxicating or spirituous liquors in the immediate vicinity of any college or seminary of learning; provided said college or seminary be located other than at a county seat or at the State capital."

Finally, the establishment of a moral qualification for the suffrage, besides strengthening the State by politically disabling its domestic enemies, could not fail to enhance the value and dignity of the franchise itself to all law-abiding citizens, and to increase their willingness to discharge their duties as soldiers, as jurymen, and as voters. The bestowal and retention of the ballot once made dependent upon conduct, its possession will become a badge of respectability, if not of honor, and must soon render the country itself worthier of the sacrifices of its citizens. With or without a wider disfranchisement for crime, the suffrage, if left in the hands of the illiterate and the improvident, will be fraught with dangers, but with it the State will be under the direction of a will habituated to the obedience of law; with or without such disfranchisement taxes will continue, but with it police expenditure will diminish, and those who rob their neighbors in violation of law will no longer be able by their votes also to rob them under the form of law; with or without such disfranchisement, the Jukes family will linger, but with it they will boast only of the privileges of habeas corpus, trial by jury, and appeal to executive clemency.

IV. A SCHEME OF THE LATE EDWIN HILL FOR EXTINGUISHING CRIME.*

BY ALFRED HILL, ESQ., OF BIRMINGHAM, ENGLAND.

The late Edwin Hill—brother of Sir Rowland Hill, of world-wide fame as the originator of cheap and uniform postage; of Matthew Davenport Hill, Recorder of Birmingham, who for so many years distinguished himself in the advocacy of measures for repressing crime, and for reforming offenders; and of Frederic Hill (still living), who has done much in improving the management of prisons—was himself an able and original-minded man. He accomplished, with great ability and success, the difficult task of devising and bringing out the British system of postage-stamps, which has been imitated by all nations; and while performing exemplarily, for more than thirty years, the duties of his office as head of the Stamp Department, he invented various machines for the abridgment of labor, which, according to the report of the Board of Inland Revenue, on his retirement, effected a permanent saving of several thousand pounds annually to the department. Moreover, he was the inventor of the first machine for making envelopes.

These arduous avocations, however, did not suffice for Mr. Hill's activity, and he spent much of his leisure in writing upon the currency question, putting forth several original ideas; and, later, in dealing with that system of crime which, in England, as in other wealthy, populous and highly civilized lands, has grown to colossal proportions. Upon this subject he wrote several valuable papers, which were read at the meetings of various associations—one of them at the International Prison Congress, held in London, in 1872.

Several incidents in Mr. Hill's life had drawn his attention to the subject of crime; and he was much impressed by the great burden of evil which is laid by it upon society, and, further, by the fact that the vast majority of offences against property are not of an isolated character, but are the effect of a system vast and highly organized, and which, like other such systems, is very

* This Paper, received from Mr. Alfred Hill since the Saratoga Meeting, is printed here as an important contribution to the discussion opened by Mr. Colby's Paper and continued in that of Mr. Hamilton Hill.

vulnerable (for if one of its constituent parts were destroyed, it would be completely paralyzed, like a pair of scissors which had lost its rivet); and that, consequently, society is on a wrong tack when, in endeavoring to repress crime, it so much confines its endeavors to catching thieves (whose numbers are vast and are sure to be continually recruited, so long as the means of easily and rapidly disposing of booty is afforded them), instead of striking at the capital which employs them, and at the houses where they are harbored and their booty is disposed of. About as reasonable would be an endeavor to get rid of mosquitoes by catching them one by one, instead of by draining the marshes where they are bred.

It is scarcely necessary to enlarge on the burdens which are entailed upon the community by crime; to repress it, the State employs a vast body of police, courts of justice, prisons and houses of correction, each with a huge staff of officers. In London alone, the cost of these several means of suppression, added to that of prosecutions, &c., amounts to upwards of £1,000,000 sterling yearly. The total loss to the community, however, includes also the value of the goods stolen or destroyed by the plunderers, together with other costs and losses to which individuals are put in defending themselves and their property, and in bringing their assailants to justice. How great a mischief a thief may cause, while gaining but a trifling benefit to himself, may be estimated by a theft committed some years ago at one of the Government departments, where a piece of leaden piping, for which the thief would get a few pence from the receiver, was stolen, owing to which all the water escaped from a large cistern, soaking the stock of coals, and thus stopping the working of the steam-engine, which occasioned the wasting of the time of a large number of work people for many hours, and caused a total damage of about fifty pounds!

The aggregate loss thus annually occasioned to the people of the United Kingdom of Great Britain and Ireland by the criminal system is estimated at £10,000,000 sterling. And even this vast amount is exclusive of the worry and annoyance which individuals suffer from the dread of burglaries and depredations, and of the corruption and degradation of so many children of the honest poor who are drawn by temptation or force into the vortex of crime; and, indeed, of the misery suffered by the criminals

themselves, whose life is well known to be full of pain and wretchedness, whether in or out of prison—many of whom have from their birth been so circumstanced that to become honest members of society has been almost impossible.

That continuance of crime *as a system* is inevitable (although of course *some* casual offences will always, to some extent, be committed, until society is in a greatly improved state), Mr. Hill held to be an utter fallacy; a position which it was the main object of his writings to prove.

He pointed out that the organization of crime is analogous to that of honest business; like which it has its operatives, its capitalists, and its landlords or building owners, all of whom are necessary to its successful working. Wages, it is true, are not received by the operatives, but the prices paid to them for booty are analogous.

All parties who knowingly derive profit from this trade are morally, at least, as bad as the thieves—the receivers who make a great profit by the resale of the booty; the householders who harbor the thieves, and the landlords of the premises where stolen goods are dealt in, and to which thieves resort. The rent received by these persons is as much tainted with crime as if they had filched it from the pockets of wayfarers.

Nothing can therefore be more just than vigorous measures against those pests of society who apply their property or permit it to be applied to criminal purposes, and, who are indeed morally as bad as the owners of pirate-ships.

But what does the law do? Undoubtedly, it constitutes the receiving of stolen goods, knowing them to be stolen, a felony severely punishable. But, owing to the difficulties which it throws in the way of detection, the conviction of this class of offenders is rare, compared with the frequency of the offence; probably not one case of receiving in five thousand is brought to justice. And yet, if proper means were adopted, it would be far easier to catch receivers than thieves; for the former, to carry on their trade, must have establishments known to a large number of persons (and which indeed are known to the police, or might be so known if reasonable diligence were employed); while the latter are here, there and everywhere. The great obstacle in England, as Mr. Hill pointed out, is that the offence of receiving is not committed unless the goods have been actually stolen—and this, although they

were bought under circumstances which must have caused the receiver to believe that they were stolen. In illustration of this, Mr. Hill mentions an incident which happened in his younger days when he managed a copper-rolling mill in Birmingham.

A youth employed in the mill was detected in carrying off a heavy piece of copper secreted under his clothes. Upon being questioned, he stated that a man who knew where he worked had incited him to steal the copper, and promised him two pence per pound for what he should bring. Now this copper was worth ten pence per pound, even to re-melt, and it was in an unfinished state of manufacture, and, consequently, not an article of sale. Impressed with the importance of detecting the tempter of the boy; and finding that the boy, in the hope of getting his own punishment mitigated, was willing to carry the copper straightway to the receiver, as he would have done had the theft remained undiscovered, Mr. Hill requested the chief of the police to send a detective to follow the youth, and secure the man, so soon as he should have purchased and taken possession of the copper. This, however, the constable refused to do, because he happened to know that, as the control of the copper had been temporarily recovered, the law would hold that the character of stolen goods no longer attached to it, and hence, that an indictment for receiving stolen goods could not be maintained. So that this man, notwithstanding his having incited the theft, and obviously under the belief that the copper was stolen property (having bought it at a fifth part of its value, and while in an unfit state for sale), was enabled to escape with impunity, by virtue of an idle technicality which did not diminish his guilt by one iota. Consequently, Mr. Hill suggested that the alteration of a single word in the law would cure the defect, inserting "believing" instead of "knowing." Thus, were the offence described to be "receiving property believing it to be stolen," the all but insuperable difficulty of detecting the crime would vanish.

More, however, might be done in the United Kingdom, under the existing law, to repress crime. The acts relating to marine store shops and dealers in metals, particularly against those who have no license, might be more stringently enforced, which could easily be done, as these persons render themselves liable to penalties by receiving goods contrary to the regulations, whether stolen or not; consequently, they can be easily detected by employing persons to

offer to sell to them. The police, too, might keep a register of all houses known to be used for unlawful purposes, — as harboring thieves or prostitutes, receiving stolen goods, gambling, illicit sale of intoxicating liquors, etc., etc.,—and should inform the proprietors of such houses how their property is being used. This register ought, also, to be communicated to the local magistrates, who should be empowered, if they deem fit, to publish it. Where necessary, special detective policemen should be employed in finding out receivers and bringing them to justice, which, if the law about receiving was altered as proposed, might easily be done by setting snares for them—disagreeable work, it is true, and which should be carefully watched to prevent abuses, but the necessity of suppressing the vast amount of evil caused by the receiving of stolen goods would perfectly justify the course.

Pawnbrokers should also be carefully supervised; for, though no doubt the majority of these tradesmen conduct their business in an honest manner, there are not a few who are very careless, to say the least, as to what goods they receive in pledge; and even some who are praised by the police for giving information, only do so when they have reason to believe that the affair is likely to come out otherwise.

But what Mr. Hill most strenuously urged, is the necessity of dealing with houses and premises used, or allowed to be used, by their occupants for criminal purposes.

In the first place, this is obviously a very easy course. Houses cannot run away nor can they be concealed; they are, indeed, so defenceless that they almost invite attack; and yet, to put an end to their unlawful use, would certainly annihilate crime as a system. Who would steal goods which he could not dispose of?—and how could he continue his career if he had nowhere to lay his head?

Many of the thieves' resorts are almost as well known in a town as its churches and public buildings; and, indeed, whole neighborhoods are often filled with such houses, many of which are constructed or fitted up purposely for the accommodation of the class, having numerous entrances, trap-doors, and other contrivances for facilitating concealment and escape. The prison chaplain of Birmingham informed Mr. Hill that from one house in that borough he had received thirty-five prisoners. Besides the places where known evil characters are harbored, there are luring-houses, which clerks and shopmen are led to frequent by the enticement of

women and gambling, and where often strong drink is illicitly sold. Similar allurements are held out to domestic servants, who are thus tempted to rob their employers.

The neighborhoods of our military establishments are often converted into perfect plague-spots by the places of vicious resort which spring up in their neighborhood; and yet the House of Commons struck out from the Habitual Criminals' Bill clauses which would have afforded some means of attacking bad houses.

To get rid of houses used for criminal purposes, Mr. Hill proposed that keeping such should be constituted a punishable offence, as is now the case with brothels.

Further, an occupant's allowing his house to be used for unlawful purposes should be declared by law to work a forfeiture of the lease, so that the landlord would be empowered to eject him. It should be the duty of the police to give notice to the landlords of houses so used; and if after notice the mischief should be allowed to continue, the landlord neglecting to take steps against the tenant should himself be liable to punishment. Mr. Hill also proposed that proceedings should be taken against the house itself — *in rem*, to use a legal expression, — that, upon due proof, to the satisfaction of a court of justice, of the continued unlawful usage of a house, it should be seized and held for a period, by the State, without rent; and thus, where there are landlords over landlords, as is often the case, the punishment would fall most certainly on each in proportion to his blameworthiness. The immediate landlord would in many cases lose his rent for the period during which the house was held by the authorities; *his* landlord would find the security for *his* rent diminished; while the higher landlord, if such existed, would be in some danger of suffering from the same cause. Thus, all persons connected with the ownership of a house would have an interest in preventing its use for evil purposes, instead of, as now, being often induced to permit that use by the temptation offered by the high rents which the great gains of illicit practices can afford. A Judge, upon the trial of a prisoner, when it comes out that a house has been, so to say, an accomplice in the crime, should have power to order proceedings to be taken against it, or even to attach it, leaving those claiming rights over it to prove their innocence if they can. The criminal conviction of a tenant should cancel his lease and determine his tenancy, so that his landlord might regain possession of the premises.

And this brings us to the most novel part of Mr. Hill's scheme; viz.: his proposal that all occupants who can prove that their premises are not used for unlawful purposes should be excused from police-rates and prison-rates;* *i. e.*, that those rates should be levied only upon property used for unlawful purposes. That the burden occasioned by crime should be borne only by those whose negligence or worse caused or assisted the evil, is obviously just, and the great efficiency of the proposed mode in putting an end to the unlawful use of premises is easily demonstrable.

Proceedings which involve the affirmative proof of wrong-doing are always more or less difficult and uncertain, are often unpopular, and are seldom systematically and vigorously followed up. This is shown by the well-known uselessness of indicting brothels, which always spring up again, often in localities where they are far more mischievous than before.

Thus, a course which would involve no extraordinary activity in the authorities,—one, indeed, which it would be impossible for them to omit to follow, and which would really almost work itself,—is therefore the desideratum.

If, then, all householders who could show that their premises were not unlawfully used were exempted from the police and prison rates, the sums to be levied for those purposes would have to be divided amongst those houses which remained; and as these would be a very small proportion of the whole — for the great majority of premises of all sorts are in honest hands — these rates would fall very heavily upon them, and would cause many occupants or their landlords to put an end to the unlawful use; and as the number of houses liable to these rates diminished, the burden upon the remainder would grow heavier and heavier, until it became more than even the most profitable of nefarious trades could bear, and thus all unlawful use of premises would come to an end, and thieves, finding no harbor and no market for their booty, would be constrained either to resort to honest occupations for support or to leave the country,—and thus the nation would be relieved from the fearful incubus of systematic crime, and would have to endure only casual offences, which are few com-

* Since Mr. Hill's writings, the English prisons have ceased to be under the local authorities, and are all in the hands of the Crown. Still, a prison-rate might be levied on the class of property in question, to recoup the Government for its expenditure on prisons.

pared with those caused by the criminal system, and for the diminution of which we must look to education and social improvement.

A *modus operandi* for carrying into effect Mr. Hill's scheme was, with his approbation, proposed by his friend, Mr. William Pare, and seems to be feasible. It is as follows:

"Let an act of Parliament be passed authorizing existing tribunals (or creating a new one which might be called 'The Criminal Tax Exemption Court') to receive, publish, examine, and decide claims for exemption. Its actions might in some sort assimilate to that of the Revising Barrister's Court for settling the lists of persons entitled to vote at elections for members of Parliament.

"The town clerk, chief of police, overseers of the poor, or other constituted authority in every place to which the Act applied, should receive, within a certain period of the year to be named, the claims for exemption, which should be made on blank forms to be furnished, and stating full particulars.*

"The lists of claimants to be published, having first undergone the scrutiny of the chief of police or parish officers, who should be required to affix the words 'objected to' opposite the description of any premises known or suspected to be used for an illegal purpose.

"Any rate-payer should also be at liberty, within a certain period, to send in a 'notice of objection' to any particular premises being exempted, if it be known to him that they are used illegally.†

"These preliminaries being observed, the revising barrister (or by whatever other name the tax-exempting officer of the court be designated) should sit in public court to go through the list, each claimant attending to substantiate his claim, and each objector his objection, and so the list of exemptions might be settled annually.

"Provision should be made for the re-imposition of the tax by the judge of the court, at any time (even before the expiration of the year) that it should be proved to his satisfaction that the

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* As the number of houses under suspicion of being unlawfully conducted would be a small fraction of the whole, it would save trouble if only the premises objected to were comprised in the published list; and, indeed, both trouble and annoyance would be saved if the forms were sent only to the houses objected to.

† To prevent the right of objection from being used for purposes of annoyance, it should be provided that with each objection a deposit should be made, to meet any costs or compensation which might be awarded by the court. Otherwise, probably, objections might be made wholesale by the occupants of bad premises, in order to bring the system into disrepute.

premises had changed their character or that he had been imposed upon, with power to make the law retrospective.

"Bonds and securities might also be required from any of the parties exempted, and penalties imposed for false information to the court.

"Relief also should be given to landlords against tenants for illegal use of premises, and damages should be obtainable from referees giving false characters of intending tenants.

"It might also be required that tenants should sign a declaration upon entering on the tenancy.

"In order to secure payment of the heavy rates which would fall on unexempted property, the premises themselves should be liable.

"In order to avoid opposition, to give a reasonable choice, and that too much may not be attempted at once, it might be advisable to make the act in the first instance permissive, like that of some existing acts, with the several towns and districts; offering, however, some aid and encouragement for its early adoption.

"During the transition state, it will probably be found necessary to devise some means of giving employment to those who, by the operation of the Act, may be driven characterless from their present haunts; and this, perhaps, will be best done through the medium of public works.

"We live in a land of precedent; and fortunately we are not without precedent for a much more summary dealing with the haunts of vice and crime than is now sought.

"Macaulay's account of the breaking up of that frightful den of crime, the Sanctuary of Whitefriars—'Alsatia,' as it was called—of which Sir Walter Scott has given so lively a picture in 'The Fortunes of Nigel,' is an instance in point. Some eight hundred known cut-throats, robbers, receivers of stolen goods, brothel-keepers, etc., had herded together in this 'Sanctuary' from time out of mind, and ever and anon sallied out for the purposes of murder and robbery, as opportunities offered, or as their needs became pressing.

"At length the public patience became fairly exhausted; men aroused themselves as from a lethargy; supineness gave way to alarm and resentment; the requisite powers were obtained from the legislature, and, at one single touch of a really firm hand, the ranks of scoundrelism were at once broken and put to the rout, and the whole mass vanished as if by magic.

"It is much to be regretted that this eminent success did not stimulate our ancestors to follow up their advantage by striking a few more blows whilst the enemy was at their feet. Had this been done, they might probably have succeeded in wholly depriving rascality of house and harborage in their city. But this task they left for their descendants; bequeathing with it, however, the example of their one great and brilliant success."

It is confidently submitted that this plan of making exemption from the tax a privilege, while sound in principle, and furnishing what may be called a natural step from the present state of things, under which every one pays, would be just and eminently safe in practice, since it would impose the task of making out the case upon the party who must needs be best acquainted with the facts, viz., the applicant himself, rather than upon an accuser; the good effect of which would be to render unavailing those manifold equivocations, refusals to answer pertinent questions, falsifications of names and dates, pleas of *non mi ricordo*, etc., by which the cunning are but too often enabled to evade a direct accusation, even when the case is too clear to admit of any moral doubt; for the least reluctance to afford the information asked, or the smallest attempt at double-dealing — matters which would be but little noticed in a case where conviction and punishment were impending — would be quite enough to ensure the refusal of a privilege; or at least to induce its postponement until the arbiter could be made better satisfied of the propriety of granting it. But no one mode of repressing crime, however efficacious, should be relied on. The criminal system, like a beleaguered town, should be attacked at all points; wherever a head is shown above the battlements a shot should be fired at it.

V. PENALTIES FOR CRIMES AGAINST PROPERTY.

BY HAMILTON ANDREWS HILL, OF BOSTON.

It will be our purpose in this paper, to inquire into the nature of the punishment inflicted upon those who have broken the laws enacted for the protection of property, and especially upon those offenders who have been guilty of breaches of trust, or of embezzlement. The crimes against property are various. There is the highwayman, who waylays the traveller and demands his money or his life. There is the burglar, who breaks into a bank, or a warehouse, or a dwelling, and who threatens life, and sometimes takes it, in the prosecution of his desperate purpose. There is, also, the clerk or the treasurer, who has used the money of the firm, or the corporation, or the town or city by which he was employed; and there is the business man, who has uttered a promissory note with a forged signature or indorsement. All these men have committed crimes, and they all deserve to be punished. Their crimes are all alike in this respect, that they are against the sacred rights of property; and, as our laws now stand, they all receive the same kind of punishment. The periods for which those of them who are sent to the State prison are sentenced, may vary, but the discipline and general treatment to which they are subjected, are the same in all cases. It is here that the inquiry to which we would ask attention, presents itself: *Are these men, and such as they, all alike guilty, and ought they all to be punished in the same way?* We are not sure that we are ready with the right answer to this question; but we have no hesitation in affirming that it is one which deserves the thoughtful and candid consideration of the members of this Association, and of every man who desires a humane as well as just administration of the laws. If we visit one of our State prisons, say in New York or Massachusetts, we shall see convicted murderers and burglars, and men who have been found guilty of rape and other brutal crimes; and, scattered among these—dressed in the same felon garb, working in the same shops, walking in the same long and sad procession, receiving the same rations, and occupying the same kind of cells—we shall see youths, reared it may be in Christian homes, who, in some evil hour, have stolen from their employer's cash-boxes, or run away with some of their goods; and gray-haired men, once

trusted in the community, loved in the church, and honored in the State, who have made illegal and wicked use of money entrusted to them for safe keeping by their fellow-citizens or friends. Every one of these men, we shall be told, without regard to his previous character or circumstances, on his entrance upon prison life, was stripped of his own apparel, and received clothing which, so far as that which would need to go to the wash was concerned, he was hereafter to wear in common with his fellow-convicts, or those of about the same size as himself; he was no longer to have a shirt or a pair of stockings of his own.* In all matters relating to food, work, general discipline, and personal cleanliness, he was henceforward to be treated just as all the other convicts were treated—no worse and no better. He was to be regarded as in no way different from any of them; all of them were to be regarded as being as good as he. Let us take one glance at the routine of prison life, in order to see how all this appears when carried out practically. Each shop has its shaving day, when, as some of us have seen, a convict accustomed to the use of the razor, appears with his high chair and shaving apparatus; it is then the duty of every man in the room to come forward in his turn, to lather himself with the common brush from the common shaving-pot, and then sitting in the chair, to submit to a clean shave. In this and in every other particular, the rules and regulations will be seen to be the same for all,—that is to say, for all whose names are not upon the sick list. All are treated as upon the same footing, and are governed from the same point of view. Nor does any degree of present good conduct, or of diligence and proficiency in prescribed labor, or of patient submission to authority, secure for a convict any immediate relaxation in treatment or condition, although, under an excellent system of credits, all this does avail to shorten the term of his imprisonment. There is, and under existing laws there must be, one code of rules for the hardened and for the penitent; for the confirmed law-breaker and for the young man suffering for his first and only criminal offence. Further, in certain extreme cases, privileges are withheld from all the inmates of a prison, and positive punishment is inflicted upon them all,

* Since the above was written, the writer has ascertained that there has been a change at Concord within the last year in reference to the use of underclothing by the convicts in common. Each man there now has his own clothing, which is washed, and when washed is returned to him.

because of the insubordination of some of their number. During the troubles at Concord, not long since, it became necessary to confine all the convicts in their cells for several days, and to keep them all upon bread and water, because it was found impossible to single out the turbulent and the rebellious ones who were endeavoring to promote a general uprising against the prison authorities. Manifestly this was a hardship and an injustice to such of the number, whoever they were, who were disposed to obey the rules and to maintain good order, so far as they were concerned, within prison walls. In saying all this, we are making no complaint against those who stand at the head of our best penitentiaries. Their duty is to administer, efficiently and impartially, a penal system prescribed for them by legislative enactment,— a system which does not recognize differences in the character and conduct of prisoners before their conviction for crime; favoritism on their part toward some, might be despotism as against others, and, at all events, would be subversive of discipline and order. It is to the penal system itself we would ask attention.

Our objection to the present system is, that, while on a superficial examination, it may seem to be impartial and equal, it is, in fact, altogether partial and unequal. The convicts at Concord, or Sing Sing, or Auburn, may appear to be suffering alike during the several terms of their imprisonment; they are all confined behind prison bars, they all wear the prison garb, and they all work under taskmasters; but He who knows all hearts, He who hears the sighing of the prisoner, sees an almost infinite difference in the degrees of their suffering. To many of them, perhaps to the most, their punishment consists chiefly in the actual confinement and personal restraint to which they are subjected, and in being compelled to do steady work. They lost little — they had little to lose, — in the outside world when they were detected in and convicted of crime; when their time expires, their punishment will be over. But there are others to whom their detention within stone walls and behind iron bars is the smallest part of the punishment they are enduring. Take the case of the young man, well brought up, just commencing in the world, whose prospects when he left his father's roof and his mother's immediate care, were as bright as those of any young man; but, led astray by evil companions, or by habits of self-indulgence acquired after coming to the city, he entered upon a downward course, and soon had rendered himself

amenable to law. Or, take the case of the man of mature, or of advanced age, who had for years been carrying heavy burdens and responsibilities, who had long been looked up to as a leader in great and good enterprises, and who, perhaps, had served the State in its councils. Under the pressure of some supposed or actual necessity, to bridge over some chasm unexpectedly opening at his feet, to maintain his financial standing in some period of general embarrassment and distrust, he made a wrongful use of securities confided to his keeping, or he borrowed money on forged paper. Before the prison life of such offenders as these had begun at all, they had suffered beyond the power of any of us to conceive. In the very hour of their detection they lost character, influence, position. In their ruin they may have carried down with them friends and families. The future for them and theirs then became black as midnight. All this was the inevitable consequence of their guilt. "The way of transgressors is hard." They suffered, also, and still suffer, in their consciences. We have been told by wardens and chaplains of men under their eye who, previously to conviction for crime, had stood well in the community, that they were burdened with an ever-present consciousness of their guilt, both before God and as against their fellowmen, and that they were crushed almost to the earth by it. But, superadded to all this, is what these men, whether younger or older, suffered in their manhood on the day of their transfer from the jail to the penitentiary, and what they have been thus suffering ever since. Let us measure, if we can, the personal degradation of which they were conscious when they were made to assume the felon's dress, when the wedding ring which they may have worn was taken from their finger, and when the last vestige of their former life, — we might almost say of their former self, — was stripped from them. And this sense of degradation is brought home to them, every hour of every day, not only by the close contact into which they are brought with the low, the depraved and the abandoned, but also by the knowledge that in the prison community, of which they are members, they stand on the same level in all respects with them. They cannot, by any proper use of terms, be included within what is known as the criminal class; and yet, by their sentence, they are ranked with it, and, under prison rules, there is no recognition of their being, or ever having been, anything different. It is this, in connection with the sense of their sin, and of its other terrible con-

sequences upon themselves and others, that humbles them to the very dust, that destroys their manliness, and that, in some instances, threatens reason itself; but this, we believe, is not generally understood by the public, as it thinks of the punishment which has overtaken and overwhelmed them. They are still men; they have the same sensibilities and susceptibilities as before; the amenities of decent life are still as dear to them as to any of us, and they are yet capable of a feeling of self-respect. They have sinned against society, and they ought to be punished; but how far the punishment should go, to what extent the iron should be driven into their souls, how low down in the depths of personal degradation and despair they should be thrust, these are questions which both justice and philanthropy ought most seriously to ponder. Is their offence against their fellow-men so much greater, so much more perilous to society than that of the ruffians by whose side they work, or on whose shoulders they place their hands as they march in line across the yard to and from the shops and their cells, that their punishment should be made so much greater? From the very nature of things they must suffer vastly more than men around them, who had little or nothing to lose by their detection in crime, and who have little that is pleasureable to recall as they think of the past, except the freedom from which they are temporarily or permanently restrained. The suffering of which the mind is capable is unspeakably greater than anything which can be inflicted on the physical frame; and from this there is no escape for the men of whom we are speaking. For their sense of shame, for their unavailing regrets, for their past, forfeited and ruined, for their future ruined also, there is no help, certainly, no human help. Remorse will gnaw at their hearts while they live, although, perhaps, when they appear in the world again, they may, if they are able to hold up their heads at all, put on a brave exterior and a placid countenance. But should not all this be taken into consideration, in determining the character of the penalty to be visited upon them. The law does not intend to punish them in any spirit of hate. It has no blind vengeance to wreak upon them. They are not outlaws; but they are to be dealt with under law, sternly yet justly, with a certain reference to the moral impressions to be wrought upon them, as well as in view of the crimes committed by them. Granted, that they sinned against greater light than did many of those in whose ranks they

now find themselves; that in this respect their transgression was the more flagrant, and that they deserve a proportionately greater punishment. Have we not shown that, independently of the penalties inflicted upon them by the laws which they have broken, they have suffered, and are continually suffering in their inmost souls and in their outward conditions, incomparably more than the ordinary convict by their side could possibly imagine? We repeat it. they are still men, and they are suffering in all their manhood, and this should be taken into the account by the law in dealing with them as criminals.

The principle of classification has been accepted as fundamental in all recent endeavors to elevate and humanize prison management and prison discipline As the result, we have the Elmira reformatory in New York, and the Sherborn prison for women in Massachusetts. We would suggest that the next step should be an attempt to separate between convicts of the so-called criminal class, and men who, for the first time, have been found guilty of breaches of trust or of forging names upon business paper and other evidences of debt except bank notes. With regard to most of them, it is morally certain that they will never be guilty of these crimes again; their contrition is thorough, and no exceptional severity of punishment is necessary in order to secure their reformation. The two-fold purpose to be aimed at in their conviction and sentence is the vindication of the law they have broken and the deterrence of others from the commission of the same crimes. Would not this purpose be attained by sending such guilty men as we have described to our jails, instead of to our penitentiaries? They would be deprived of their freedom; they should be required to labor; and if it is necessary that the penalty laid upon them should add somewhat to the disgrace which their detection and conviction must inevitably and in large measure bring, as we believe it should, would not this be sufficiently accomplished by their sentence to imprisonment in the county jails? Or, if they must go to the penitentiaries, why may they not be placed in a ward by themselves, where the more severe prison rules made necessary by the lawless and abandoned character of a majority of the community, might be relaxed for them? To the credit of the late warden of the Massachusetts State prison let it be said that a few years ago, when the convicts were removed from Charlestown to the new buildings at Concord, he called together

some of the men, whose names many of us know well, and asked them whether he could trust to their honor during the period and proeess of their transfer, not to attempt an eseape; and on reeeiving their assurance that he could, he told them that he should not put handeuffs upon them on the journey. Of eourse not one of them broke his pledge; not to say that most, if not all, of them still had a sense of personal honor remaining to them, what had they to gain by attempting to run away; where eould they go, to be safe from rearrest; where would they desire to go? To them the idea of meeting their fellow-men again is only less terrible than that of remaining while they live where they now are; and the only eonsideration whieh makes the thought of that meeting tolerable, as they antieipate it, is that they will have submitted to, and paid, the full penalty imposed by the law whieh they have broken. For them, therefore, and for their safe detention in confinement, no extraordinary rigor in prison discipline is required.

Preeisely how and where the lines should be drawn in the new elassifieation whieh we suggest, we shall not attempt to say in this paper. It will be no easy task to draw them aright, so as to do justiee to all,—so as to leave out the faintest suspicion of partiality or unfairness. But the difficulties in the way, if the end proposed to us be right, sbould not be allowed to hinder or diseourage us. If a wrong has been pointed out whieh ought to be redressed, intelligent and upright men ean and will show themselves able to correct it.

We believe also that the individuality of the criminal should be taken into eonsideration in dealing with him within prison walls; eertainly more than it is in some of our penal institutions.

This is not the occasion for considering the broad question of prison management; but we must refer to the Eastern Penitentiary in Philadelphia in this connection, not for the purpose of diseussing what is known as the Separate System, but only to bring to view one feature of it, whieh may be suggestive in eonneetion with our subject. Under that system the individuality of eaeh prisoner seems to be reeognized and respected. Eaeh is isolated from his fellow eonviets, and he stands upon his own proper level, whatever that may be. There is no common and low level, to whieh all are brought down by an inexorable law. They do not all wear the same distinctive garb; they are supplied with a suitable dress, but it is not uniform. Each man has his own under-

clothing and stockings, which are regularly returned from the wash to him. Each is supplied with a razor once a week, and he may shave himself as he pleases, or not at all. This may seem to some to be a slight matter, but it is not so; it implies a great deal. Each convict may have in his rooms, books, musical instruments, or whatever he desires to have there for his instruction or improvement, being governed by his individual needs in this respect. In a word, the sense of personal degradation does not seem to be so utter and so absolute in the Philadelphia Penitentiary, as at Concord or Sing Sing; the manhood of the prisoner who has fallen from a position of respect and confidence in the community does not strike the visitor as being so utterly wrecked.

The subject was pressed upon the consideration of the writer of this paper by a series of visits which it was his duty as a member of a legislative committee to make to various penal institutions. He had much conversation with officials in reference to the class of prisoners which he has been describing, and he was much impressed by the testimony which came to him as to the admirable manner in which most of these men bore the punishment to which they had been condemned. He was moved by what he saw of them, in their moral degradation and social ruin; and the question arose in his mind, and has since been presenting itself continually, is it necessary for the vindication of law and for the safety of society, that these men should be punished in the way and to the extent described. This question he now submits to the department of jurisprudence of the American Social Science Association, and, through it, to thoughtful men everywhere. No harm can result from an intelligent consideration of it; and the discussion may prepare the way for another step forward in the reform of penal legislation. Every step thus far taken in the progress of this reform has demonstrated that the best security of society is promoted by the infliction of penalties for crime which are neither too light nor too severe. Of the two extremes of laxity and of undue severity in punishment, it would be difficult to determine which is the more pernicious.

EDUCATIONAL PAPERS.

THE PROGRESSIVE SPELLING.

BY REV. H. L. WAYLAND, OF PHILADELPHIA.

(Read September 5, 1882.)

Mr. President and Ladies and Gentlemen:

I think myself happy on this occasion, both in the subject and in the audience: in the subject, because the truth in the premises is so self-evident, the facts and their lesson lie so obviously on the surface, that the views which will be advanct will readily secure the assent even of persons far less acute than those whom I now have the honor to address; in the audience, because, if it should chance that anything which is suggested seems at all unfamiliar, yet I know that it will be received with that candor, with that hospitality to new ideas, which has at all times been a cherished tradition of this body. I cannot forget that it has been your honorable mission to blaze the pathway through wilds untrodden before, to be discoverers and pioneers; I cannot forget that Civil Service Reform found a hearing on your platform when it was a homeless infant, with nothing in the world but a future, long before the professional politician deemed it worthy of the eulogy of his malediction.

THE IDEAL ALPHABET.

An ideally perfect alphabet would be one in which each variation in sound, however slight, would be represented by a symbol which should always be one and the same, and each symbol should always represent one and the same sound; in which each short vowel sound, by being prolonged, should produce its corresponding long vowel, and in which this relation of the two should be indicated by the symbol; thus, short i as in *it*, when prolonged, becomes, not long ī in *like*, but long ē in *feel*. Each double sound would be represented by the conjoined symbols of the sounds which form it. Thus, ou in *foul*, by áo (ah-ō). In the ideal perfect alphabet, each letter would be sounded; no letters would be silent. Each symbol would, by its form, indicate the position of the vocal organs in its pronunciation, so as to suggest to every one, of whatever race or tongue, the same sound. This ideal I do not expect to see realized at once; nor is it needful for practical purposes, or even, perhaps, desirable.

A *practical-ideal* alphabet would be one in which each important variation in sound should be represented by a symbol of which it should have the monopoly (if I may venture on that hated word), while each symbol again should be sounded, and would represent a distinct sound. In achieving this state of things without the introduction of any new and strange characters, we have made as near an approach as seems practicable at present to an ideal alphabet.

THE ACTUAL.

But, instead of this practical ideal, what do we see, when our eyes fall on the English Alphabet.

Pardon me; I do not wish to be tedious; but may I ask you to take a little ramble through the alphabet, using our eyes and ears as we go.

We find that the letter A represents five sounds, as in *fat*, *fate*, *father*, *fall and fare*. On the other hand, the sound of ā long is represented, as in *fate*, in *fail*, in *feign*, in *eight*, and I know not what beside. The broad sound is represented as in *fall*, in *augur*, and in *awl*.

B has but one sound when sounded at all; but it partakes of the surrounding silence in *dumb;* while in *lamb*, it does not utter a bleat that could be heard by the most keen-eared dam.

C has two sounds, one of which is stolen from k, and the other from s. You remember that Sheridan's tragedy "Pizarro" was not written till the last minute. In fact, there was no rehearsal, and the performers had to learn the closing scenes while the earlier scenes were being acted. One of the actors had to speak the part containing the clause: "On yonder hill, we found an old Cacique." He rendered it: "On yonder hill, we found an old Ka-ki-ku." Sometimes c is dumb, as in hammock.

D is pronounct d, when it is not pronounct t as in *lashed*.

Perhaps, however, the letter E is the bright consummate flower of unreason in our alphabet. I cannot say how many sounds e, alone, or in several combinations, represents. Truly their name is legion. And the long sound of ē is represented by æ, by *ægis*, by ay, *quay*, by ea, *plea*, by ee, *feel*, by i, *unique*, by eo, *people*, by œ, *phœnix*. by ey, *key*, by ei, *leisure*, by ie, *belief*, by e, *complete;* nor do I know that the list is yet exhaustive.

F has the sound of v in *of*. And the f sound may be represented by f, or ph, or gh.

G has the sound of g in *gin*, and of g in *gallon;* nor can any human being tell when it is hard and when it is soft, except that it is always *hard* to the pupil, and never a soft thing to the infant speller, who does not know whether the word which he sees is the *gill* which supports the life of the fish, or a *gill* of brandy which drowns the man; he wonders to see it hard in *gallows* and soft in *goal*, hard in *get* and soft in *gem*. G is dumb in *gnash* and *gnat* and *feign;* and, when aided and abetted by h, it may stand for anything under heaven.

H may be an aspirate; or it may be silent, as at the beginning of *hour*, or at the end of *burgh;* with g prefixed, it may give us *plough*, or *dough*, or *enough*, or *through*, or *hough*.

I may be long or short; nor can we tell whether it is long as in *finite*, or short as in *infinit;* while the sounds of short i and of long i are represented by various combinations. I, when following s in the combination *sion*, has the force of h.

J is a reasonably honest letter; (how depressing its loneliness!) but it is robbed of its rightful office by g.

K has but one sound, when sounded; but it is silent (perhaps from shame) in introducing *knave*.

L has but one sound, if any; but it is silent (strangely enough) in *talk*.

M, too, though it is never sounded like z (I don't know exactly why not), yet is dumb in *mnemonics*.

N is silent in *condemn*.

O has three sounds (only two of which by any possibility belong to it), as in *hot*, in *hole*, and in *who;* and its long sound may be expressed in fourteen ways, as in *go*, *oh*, *note*, *boat*, *toe*, *yeoman*, *soul*, *row*, *owe*, *sew*, *hautboy*, *beau*, *mauve*, *though*.

P has its own sound, but it is silent in *psychology;* and, when it combines with h, it has the sound of f in *philosophy*, or of v in *phial* and *Stephen*. And in that monster of orthography (or rather of heterography), *phthisic* (a word which anybody ought to be ashamed to spell correctly), the ph is dumb.

Q is wholly superfluous, doing nothing that cannot be better done by k.

R, in *colonel*, is represented (or misrepresented) by *lo* (*kurnel*).

S has the sound of s and of z, with no means of knowing when it is one, and when the other.

T has its own sound, though the sound is often represented by

final *ed;* and, also, when combined with i before *on*, it has the sound sh, *shon*. When combined with h, it gives one sound in *thin*, another in *thine*, and still another, in *thyme*.

U has four sounds, as in *rum*, in *ruin*, in *tune*, and in *busy;* while its long sound is represented by *ew*, and by *oo*. It also has the force of w after q; it is silent in *guilt;* in *catalogue*, and the like, the *ue* seems to me like the tail of the anthropoid, which will drop off with a higher development.

V has one sound; but the sound has two symbols, v and f.

W, as a vowel, is a pure superfluity (though not a luxury), doing the work of u; and, as a consonant, it is silent in *who*, and *whole*, and *owe*, and *row*.

X is ks and gz, with no means of distinction; also z, as in *Xenophon*.

Y, as a consonant, does an honest work; but, as a vowel, it is useless, doing the work of *i*.

Z has but one sound; but it has to share that sound with s.

Thus, out of the twenty-six letters, there is not one of which we can say that it represents always one and the same sound—a sound which it has all to itself,—and that it is always sounded.

Mr. Meiklejohn, late Assistant Commissioner of the Endowed School Commission for Scotland, says:

"There are 38 distinct sounds in our spoken language; and there are about 400 symbols (simple and compound) to represent these 38 sounds; in other words, there are 400 servants to do the work of 38. Of the 26 letters, 15 have acquired a habit of hiding themselves; they are written and printed, but the ear has no account of them. Fourteen vowel sounds have 190 printed symbols."

Really, it seems as though a statement of the case precluded the need of argument, as though every candid person would be ready to say with Bishop Thirlwall:

"I look upon the establisht system of spelling (if an accidental custom may be so called) as a mass of anomalies, the fruit of ignorance and chance, equally repugnant to good taste and to common sense."

If it were proposed to *introduce* such a system, we should cry out in amazed, indignant horror; nothing makes it tolerable, for an instant, save the fact that we were born into it, and that we had become wonted to all these atrocities before we had sufficient power of reason to understand how monstrous they are.

But let not the fact that we have become callous to the yoke prevent us from looking at the facts.

EVILS.

The present spelling imposes a very heavy burden on the young of each advancing generation. It exacts from them a vast amount of painful toil. A teacher, quoted by Max Müller, says:

"An average child, beginning school at 7, ought to be able to read the New Testament fluently at 11 or 12 years of age." And another, quoted by the same, says: "It takes from 6 to 7 years to learn the arts of reading and spelling with a fair degree of intelligence."

But a reliable gentleman in England says:

"My little son, now a few months more than four years old, will read any *phonetic* book without the slightest hesitation. The hardest words or the longest names in the Old or New Testament form no obstacle to him. And how long do you think it took me to impart to him this power? Something less than eight hours."

And another gentleman, speaking of the phonetic method, says:

"I have taught poor children in Glasgow to read the Sermon on the Mount after a course of exercises extending over no more than six hours."

This is not strange. It is very easy for children to learn 38 symbols representing 38 sounds; but to learn 400 symbols is a much harder task. But these 400 symbols are purely arbitrary in their office; in fact, the child has to learn each word of the 118,000 separately. And then, when you think of the new editions of the unabridged Webster and Worcester, with 10,000 new words, I wonder that the children do not unite to nihilize the lexicographers.

The state of things would not be so horribly bad, if we recognized the facts and acted accordingly, and if we adopted the "word-method" of learning words as words, and not by the several letters. As things go, this is undoubtedly the only true mode of learning to read.

But according to the prevalent modes, the task is gigantic, and often insurmountable.

And all this is needless; for a child ought to learn to read with as little difficulty as he learns to talk.

Our present spelling robs the children of some of their best years, years during which they might be gaining much useful

knowledge on all subjects. And, after this mighty price is paid, we do not get the equivalent. People do not know how to read fluently, or how to spell with ease and correctness. Joseph Angus, D.D., of England, President of Regent's Park College, one of the English Committee of Revision, says:

"This plague of spelling is a plague that meets us all. Eighteen-nineteenths of the men who fail in the civil service examinations fail in spelling. I am not ashamed to say that I sometimes do not know how to spell a word until I put it down in writing. . . . An enormous amount of time is wasted in that way by all classes. But what I feel most of all is that, out of the scanty time allowed for education in the elementary schools, one year at least should be literally wasted in what is worse than uselsss, simply puzzling the child."

Consider the harm to the child's mind, to his reasoning powers. We say to him, "Here is this letter; it has this sound, this force." But he then finds that it is purely a matter of chance whether it has this sound, or something utterly different. Suppose we should say: "2 and 2 make 4;" and then the child should find that, if it is apples, 2 and 2 make 5; if marbles, they make 3; if plums, 6; and if potatoes, 7. We destroy or injure reliance on general laws, which is one of the most valuable of mental habits. In fact, that the minds of the children are not ruined, is a result that I can only explain on the basis of the Providence that watches over children and drunken people and America.

And then the injustice. The most sensible, rational, thoughtful child is the worst off. The child who hasn't an idea, who takes what he is told, who repeats a rule without thinking that it has any meaning, this child learns all the words that his memory can carry. But the child who thinks, who cannot understand how e-i-g-h-t can spell āt, who supposes that a law must have some meaning, this child is not a speller; and he is always in disgrace.

I look on such a word as e-i-g-h-t as a disgrace to the morals and common sense of the Nineteenth Century. The word is a fraud; out of the five letters, only one has the sound that belongs to it.

It is because the child's moral nature has great staying powers that it is not wholly perverted. We say: "final e, when silent, makes the vowel of the syllable long." So the child says, "b-a-d-e, bāde;" and we say, "no; *that* is *băd*." The child says "*definīte;*"

and we say, "Oh, no, that is *definït.*" Silent e is a lie. Truth may lie at the bottom of a well; but it certainly does not lie in the primer.

Lord Lytton, in his wonderful novel, "The Caxtons," only gives voice to the feeling which I am sure we all have, when he says:

"A more lying, round-about, puzzle-headed delusion than that by which we confound the clear intellect of truth in our spelling, was never concocted by the father of falsehood. . . . . How can a system of education flourish that begins by so monstrous a falsehood, which the sense of hearing suffices to contradict?"

And, if such are the obstacles with minds of the better class, how insuperable these obstacles to minds that have behind them generations of ignorance, as, for example, the Freedmen, and the armies of illiterates and their children who land in thousands each day on our shores. We make it almost impossible for plain people to read the Constitution; and then we wonder that we have illiterate voters.

THE UNIVERSAL LANGUAGE.

We all hope that the English will be the universal language; and, indeed, there is much to encourage this belief. Ours is the only leading language that is philosophical and natural in its genders. The external conditions point to its becoming universal. The English-speaking race is the one colonizing race. Already the English tongue prevails in the British islands, in North America, in the south of Asia, in South Africa, in Australia, and in many of the great islands. It is a noteworthy fact that, while the population of France doubles in 140 years, and of Italy in 135 years, in England it doubles in 56 years, and in America in 25 years. It is estimated that, in 200 years, Italian, French, German and Spanish will be spoken by 788,000,000, while English will be spoken by 1,837,000,000. But, in fact, these figures are not large enough. They do not allow for the fact that, as a language becomes more and more important, becoming the language of business and of the courts of law, more and more it will be adopted by the millions of mankind; thus it is only a question of time when the English will be spoken by the 250,000,000 of Victoria's East Indian subjects.

Surely we must rejoice in this future; not alone from our pride of race and tongue, but because English is the language of progress, of intelligence, of liberty. It is the language of the Declara-

tion of Independence, of the Bill of Rights, of the Habeas Corpus Act. Where the English language goes, there religious freedom goes, there republican institutions go.

But there is an obstacle to the universality of English. During the Centennial Exhibition, my friend, J. M. Gregory, LL. D. (who addresst this body two years ago), was a member of the Jury on Education. The Jury comprised gentlemen from all nations. Some of these gentlemen from foreign lands said to Dr. Gregory: "We hope that English will be the universal tongue; we want it to be so; but the want of agreement between the spelling and the pronunciation is an obstacle that seems insurmountable."

Permit me to here quote from the greatest man now using the English language, the pride of the English-speaking race, the Prime Minister of Great Britain:

"I often think (says Mr. Gladstone) that if I were a foreigner and had to set about learning English, I should go mad. I can honestly say, I cannot conceive how it is that he learns to pronounce English, when I take into account the total absence of rule, method, and system, and of the auxiliaries that people usually get when they have to acquire something difficult of attainment."

Now, shall we allow this dreadful obstacle to stand in the way of the universal diffusion of the tongue that carries with it the promise of human elevation and advancement, or shall we impose a needless and, therefore, a cruel burden on the coming thousands of millions who will speak the English tongue; or shall we, on the other hand, try to remove this clog and burden by making the spelling of the language rational and simple, instead of being complex, unspeakably difficult, and utterly irrational?

"But what do you propose?" I hear it asked.

A REMEDY PROPOSED.

For one thing, I would not introduce any new symbols. Here I am compelled to differ from my honored friends, pioneers in the work of Spelling Reform, to whose labors are due whatever of value may exist in the imperfect remarks now being offered. In my opinion, whatever we gain in ideal perfectness by introducing new characters, we lose by prejudicing the desired reform. We alienate the eye; we impose additional labor; we make it needful to learn a new alphabet; the power of the new symbols is not obvious; and, when we go to a printer or editor, endeavoring to en-

list him in the new spelling, we have to say to him at the start: "You must lay out money on new types," a suggestion which does not commend itself to the editor, notwithstanding the fact that members of the profession are as much distinguisht for opulence as they are for exactness of information and accuracy of statement.

The introduction of new symbols seems to me needless, since there is no sound which cannot, with sufficient exactness, be represented by the existing symbols. There are, of course, certain niceties that cannot be represented in letters, that must be learned by ear and personal contact. What I would do is this: I would drop all silent letters, including letters that are doubled, like many of the final consonants; I would have one symbol for each sound, and one sound for each symbol. Thus:

a, short, as in fat.
ā, long, as in fāte.
á, as in fáther.
e, short, as in fed.
ē, long, as in fēēt.
g, always hard, as in go.
i, short, as in it.
ī, long, as in kīte.
o, short, as in hot.
ō, long, as in hōle.
s, always as in sing.
u, short, as in run.
ū, long, as in rūin.
û, as in put, should.
w, always a consonant.
y, always a consonant.
dh, as th in thine.
th, as th in thin.
sh, as in vanish.
zh, as in vision (vizhon).
ch, as in choice.
ai, as in chair.
au, as in maul.
oi, as in oil.
ou, as in ground.

c, q, and x are dropped; the other letters, not named above, have their present sound, but are never silent.

Up to this point, the spelling has followed the five rules suggested by the American Philological Association, viz.:

1.—Drop silent *ue* in final *gue* after a short vowel (not after a long one as in "brogue"). Thus spell demagog, pedagog, epilog, synagog, etc. Change tongue for tung, which is the earlier English form.

2.—Drop silent *e* in final *ite* when *i* is short (not when long as in "finite"). Thus spell opposit, preterit, hypoerit, requisit, etc.

3.—Drop silent *te* in final *tte*. Thus spell cigaret, roset, epaulet, vedet, gazet, etc.

4.—Drop silent *me* in final *mme*. Thus spell program oriflam, gram, etc.

5.—Change *ph* for *f* when pronounced *f*. Thus spell alfabet, paragraf, filosofy, fonetic, fotograf, etc.

The remainder of the paper will be spelled according to the five rules recommended by the American Spelling Reform Association, viz.:

1.—Omit *a* from the digraf *ea* when pronounst as e-short, as in bed, helth, etc. 2.—Omit silent *e* after a short vowel, as in hav, giv, etc. 3.—Write *f* for *ph* in such words as alfabet, fantom, etc. 4.—When a word ends with a doubl letter, omit the last, as in shal, clif, eg, etc. 5.—Change *ed* final to *t* where it has the sound of *t* as in lasht, imprest, etc.

OBJECTIONS.

At this point, the voice of the Conservativ Obstructiv is herd in the land. In accents that struggl with his sighs and tears, he exclaims: "This is too much; one after another, the most cherisht institutions ar swept away by the advancing tide of radicalism. Chaos is gon; the burning of witches is gon; the Dark Ages ar gon; slavery is gon; and now we ar threatened with the los of phthisic, and eight, and through, and hough."

But check for a moment your sobs, O esteemed Conservativ Obstructiv; grant yourself the enjoyment of a new sensation; for an instant exercise your reason; kindly use what you ar pleased to cal your mind, and state your objections.

The first objection, of course, is that, by a rational spelling, we

ruin the study of etymology, that we render it impossible to trace the history and the gradual transformation of words.

To this I reply:

In a great many instances, our present speling obscures the derivation of words and misleads the etymologist. Thus, as a familiar exampl, the *i* in the word *field* obscures the fact that a field is a place where the trees have been *felled*. The *a* in *zeal* hides the fact that the word is derived from the Greek word *zelos* (and that from *zeo*, to boil), with no *a* in it. When we spel *wimmen*, *women*, we cover the interesting fact that *wimmen* is from *wyfmen*. The *s* in *island* makes us connect the word with the Latin *insula*, whereas it is from the Saxon *ealand*. F represents the Greek φ, while *ph* mis-represents it.

The number of words where the etymological history would be affected is very smal compared with the 118,000 words in the language.

But, after al, the real answer to the objection lies herein: language was made for man, not man for language; the human race does not exist for the benefit of etymology; and its best interests ar not to be sacrificed, and burdens to be laid on each coming generation, for the sake of etymological reserch. This would be a little too much like the English Lord compelling the farmers to harbor and feed the game of all sorts, at the damage and ruin of their harvests, in order that, when the 12th of August comes, there may be sport for My Lord and his friends.

But it ought in justice to be said that this plea does not procced from the etymologists themselves. On the contrary, the leading etymologists in England and America ar the very men who do themselves honor by being in the vanguard, by pressing most ernestly the movement for a rational spelling. Max Müller says, in words of equal nobleness and wisdom:

"An objection often made to spelling reform is that it would utterly destroy the historical or etymological character of the English language. Suppose it did; what then? Language is not made for scholars and etymologists; and if the whole racc of English etymologists wer swept away by the introduction of spelling reform, I hope they would bc the first to rejoice in sacrificing themselves in so good a cause. But is it really thc case that thc historical continuity of thc English languagc would bc broken

by the adoption of fonetic spelling, and that the profession of the etymologist would be gon forever? I say, No! emphatically to both propositions. Because the Italians write *filosofo*, are they less aware than the English, who write *philosopher*, that they have before them the Latin *philosophus*, and the Greek *filosofos?* . . . . . Etymological spelling would play greater havoc in English than fonetic spelling, even if we wer to draw a line not more than 500 years ago."

Really, for the average, half-educated man to be sitting up of nights to defend etymology against a movement which is pioneered by Max Müller and Prof. Whitney, and Prof. March, and Prof. Haldeman, and Prof. Child, and the English Philological Society, and the American Philological Association, is a good deal like our trying to rescue the cause of civil and religious liberty from the hands of Roger Williams and John Locke, and John Milton and Garibaldi, and Mr. Gladstone and John Bright.

"But (continues the Conservativ Obstructiv), if this point is proved to be destitute of force, I hav others to urge that ar equally conclusive. For one thing, it *looks so*, to see *eight* spelled ā-*t*. It is such a violation of all our associations. It is such a sharp, radical change."

One conservativ has written and printed the following:

"I think that 'honour' has a more noble, and 'favour' a more obliging look, than 'honor' and 'favor.' 'Honor' seems to me just to do his duty and nothing more; 'favor' to qualify his kind deed with an air of coldness."

Really, when I read such utterances, I am reminded of George Eliot's remark that Lady Mallinger talked, not because she had anything to say, but because nature had given her the gift of speech, and she didn't know what else to do with it.

It is wel enough to remember that these objections are not very new. Tyndale's Bible (1526) spells fish, *fysshe*, and few, *feawe*, and if, *yff*, and drink, *dryncke*, and righteousness, *rightewesnes*, and so on. Now, I have no question that the first man who proposed to spell fish, f-i-s-h, was set on in the same way by the Conservativ Obstructiv of his day, and was considered a radical, and perhaps an atheist; and it was said to him, "Why, your way of spelling *looks so*. Now *fysshe*, has a large, generous, noble appearance, such as becomes a fish of standing and dignity, a

whale, for example; but this f-i-s-h is becoming only to a narrow-chested, meager, bloodles, eel-like animal."

In presence of an audience runing over with intelligence and lerning, like that which is now enduring these imperfect remarks, I do not need to say that the whole history of the English language, down to a late period, is a history of change, of progress. One need only read a page of the erly editions of Chaucer or Spenser to be assured of this. This is the reason for my giving to these few remarks the title, "The Progressiv Speling." In endeavoring to leave behind us some barbarisms, and to make an approach toward the practical-ideal, we ar only moving in the line in which our fathers hav been moving from the beginning of time.

And now, what I would like to know from the Conservativ Obstructiv, or from anybody els, is this: with what show of reason does any one draw a line, either at the date of the issue of Johnson's Dictionary, or on this 5th day of September, 1882, and say: "Up to this line, changes, improvements, wer allowabl, wer desirabl; but beyond this line, nothing."

The so-called Conservativ is really but a half-way Conservativ: he is influenced by the current of the age in which he lives. To be consistent, he should stand where he always did, and where his spiritual ancestors did. He should, with Chaucer, spell *run* r-o-n-n-e, and *then* t-h-a-n-n-e.

In fact, I hav seen in my whole life but one truly thorough-paced, consistent Conservativ, one who for 4,000 years has not changed his views, one who stands, intellectually and morally, just where he did forty centuries ago, who has not yielded a peg to the radicalism of the age; this consistent Conservativ was in the British Museum, in the Egyptian Department, in a box.

I do not ignor the sentimental objection to a change in the spelling. But sentiment, though a good thing, can hardly be indulged at the expens of human welfare. Sentiment bids us bury our ded in the loveliest spot we can find; and we rightfully yield to it; but when the sons of a high cast Hindoo wisht, on a point of sentiment, to bury their deceased father on the edge of a tank which was the supply of water for al the neighborhood, the British Government objected.

Again, the Conservativ Obstructiv objects: "How shal we distinguish words that ar pronounct alike but now spellt differ-

ently, if they are al spellt alike? How distinguish *reign* from *rein*, and *pane* from *pain*, and *pear*, a fruit, from *pair* a coupl, and *pare*, to peel?" I reply, just as you do when these words ar used in speech, by the *connection*. "I wish you would not giv me sueh short weight for my money," said a dealer to his grocer; whereto the grocer said: "I wish you would not giv me sueh long wait for my money." Neither failed to understand the other.

And, further, a true speling would help us much by distinguishing between words that are spellt alike but pronounct differently, as *gill* and *gill*, *lead* and *lead*, *read* and *read*, *burgh*, whieh is pronounet *burg*, *boro* and *bury;* so of *bow*, *row*, *bass*, *live*, *lower*, *sate*, *aye*, and *sow*.

But, again, the Conservativ Obstructiv objects that the reformed spelling would make al the old books and libraries useless. The objection is only partly true; but even if it wer fully true, what then? When railroads eame in, stages fel in value; every advance has involved a depreciation in the old stock; but the saving in time and labor in a single year would make good al the los in books.

It is also askt, What wil you do when the pronunciation shal depart from the speling, in eoming years? I reply: There wil be no speeial difficulty in adapting the speling to gradual ehanges in pronuneiation, as soon as these beeome wel-defined and settled; but, after it is wel understood that the pronuneiation is to represent the speling, there wil be little liability of ehange in the spoken word. Pronuneiation varies now, beeause it is absolutely impossibl that any pronuneiation or any speling should be wrong. Pres. Barnard, of Columbia College, quotes a Scoteh seholar, "who playfuly defended the existing orthografy, on the ground that, while it is maintained, we eannot possibly spel wrong; sinee any combination of letters whatever, which may be employed to expres a sound, may always be justified by producing examples of similar orthografy, sanetioned by good usage."

A very serious obstael, perhaps the most serious, is the despair whieh is begotten of indolenee and cowardiee, and which prompts the utterance, not alone from the professional Conservativ Obstructiv, but from mankind at large: "Wel, after al, it may be a very good thing; but it ean't be done." "Can't be done?" What words ar these? Impossibl to the Anglo-Saxon-American race? Impossibl to the raee that has conquerd North America,

that rules the ocean, that has annihilated slavery, that has organized liberty?

But I know that I interrupted you; you ment to say that it can't be done without labor. Of course; was anything valuabl ever done without labor? But it is worth labor.

CONCLUSION.

There is need that educated men lead. Uneducated men ar afraid to spel in a sensible way, lest it would be said that they don't know any better, just as the poor are afraid to economize, lest it should be said that they are poor; but, when the rich economize, then the poor can afford to. So, if educated men set the exampl of dropping the silent letters, and of correcting the most monstrous anomalies, then plain people wil follow.

The influence of the newspapers wil be immens in accustoming the eyes of men to the reformed speling, and in wearing off the strangeness. The *Home Journal*, the *Chicago Tribune*, and the *Utica Herald* hav been most valuabl pioneers; and the *Independent* has given its great weight in a similar direction.

And I think that educated men and lerned societies should petition the State Governments and the General Government to make a beginning in the right direction in the printing of public documents.

Every reform that has life in it, passes through three stages, represented by three punctuation marks: First, there is the exclamation point. Men wonder that anybody can be so mad as to dream of such a thing. Then comes the interrogation point. Men begin to ask: "Is it possibl that there is anything in it?" At last, comes the full point.

The movement for a rational speling had its exclamation period. If anybody suggested the possibility of speling *eight* any otherwise than e-i-g-h-t, men looked at him with uplifted eyebrows, and askt him: "What is the number of your paded cel? I should like to send you a work on 'A Man's Duty to Control his Insanity.'" Then came the question stage, in which we now ar. Men ask: "Is it, or is it not? Wel, wel; who is in favor of it, and what ar the arguments?" Presently wil come the ful stop; and it wil be a fact accomplisht.

Is it not time for this body to leave a safe coasting along the shores of precedent, to sink the hedlands and the lights below the

horizon, and to venture out, steering by the stars, in quest of the better education, the rational speech?

NOTE. Those who wish to pursue this subject, wil find a list of publications with much very valuabl information, in Circular No. 7, 1880, of the United States Bureau of Education, Washington. The pamphlet is prepared by Prof. F. A. March, at the request of the United States Commissioner of Education, and is printed by order of the late Secretary of the Interior.

DEPARTMENT OF EDUCATION.

ADDRESS OF THE CHAIRMAN, REMARKS OF THE SECRETARY, ETC.

On Tuesday, September 5, 1882, when the Department assembled at Saratoga, the Chairman, W. T. Harris, LL. D., called the meeting to order, and opened the session with the following Address on Education:

Our Department of Education recognizes other institutions besides the School as instrumentalities of culture.

In a former address before this Association, I have attempted to define the scope of Education as a training given to the human individual by the institutions of society. These institutions are the Family, Civil Society, the State, and the Church.

They all educate the individual quite as essentially as the School does. Each institution has its own particular phase of education for which it and it alone is responsible. The School must not be charged with all the evils of modern society—on the ground that it gives, or should give, all the requisite preparation for life.

Just at the present epoch it has become a sort of fashion to rail at the School for its alleged failure to supply a "practical" education. It is, indeed, assumed by the critics that the graduates of schools are unfitted for practical life, and that they are expecting to get their subsistence without work. It is strange that habits of industry, acquired in learning books at school, should not lead one to a life of labor. It is still more surprising that the general culture of mind in science should not give the versatility that would enable a high-school graduate to learn a trade in a very much shorter time than an illiterate youth. The natural presumption in favor of a general scholastic education, as a preparation for practical life, is all set aside by the sweeping statements of sensational magazine writers who try to make us believe that the staple education of our schools injures the industrial capacity of youth. I do not know of any serious attempt to prove by statistics that the school-educated portion of society is less able to earn its living than the residue of society. Nor do I know of an attempt to prove that nations with the most school education

have less wealth-producing power or less self-governing power than nations which have few schools. All the statistics that have got published, hitherto, go to support the opposite conclusion. Theoretically, however, there can be some doubt created on the subject, especially in a community where it has not been discussed in all its bearings. The relation of wealth to education must be investigated if one desires to see the grounds on which the present system of general education can be defended.

The uses of wealth and wealth-producing activity, not merely for the satisfaction of human wants of food, clothing and shelter, but for his spiritual development as well,—these uses are most obvious to us because they are the special topic most studied by our Social Science Association.

It is clear that all the bodily wants of man—food, clothing and shelter—depending as they do upon the ownership of property for their satisfaction, are through this means elevated and spiritualized, because property is a result of the institution of society. For property is not the creation of the individual; mere possession does not suffice; it is the recognition of society that makes things become property. Civil society establishes rights of property and division of labor. Through this each man is required to labor for his fellow men and to depend upon their labor to supply him the articles of food, clothing and shelter which his own labor does not produce. His bodily wants are no longer mere immediate impulses, as animal wants, but they are converted into the instruments of realizing his spiritual or reflected being; he is forced by hunger and cold to combine with his fellow men and to form a community in which he is to respect their recognition far more than his animal impulses and desires.

Thus, too, the institution of the family lifts man above mere sexual passion, and makes him in that respect *a reflected being*, a rational being.

Civil society is organized for the realization of man's existence as a property owner, so that he shall be a universal or rational essence, and not a mere individual animal, dependent on his locality, the season of the year, and his unaided might for his physical life. For, when man becomes a property owner and enters into this social combination of productive industry, he does not lose himself, but, rather, finds himself. He adds to himself the gigantic system of the industry of the whole world, just as

really as if he were absolute monarch over it, and all mankind stood ready to fetch and carry at his bidding. Indeed, the reality is more wonderful than the story as told in the Arabian Nights. The conception of Aladdin and his wonderful lamp, of Houssain with his magic carpet, and of Ali with his magic tube, was the first dream of the wonderful organization of mankind into civil society. By its potency the humblest individual lives in communication with all the rest of mankind. The products of their labor are coming to him in a constantly flowing stream from the ends of the earth; he is in constant communication with all mankind and hears of their deeds, their joys, and their sorrows, and cannot but profit by this communication and grow wiser by what he reads in his daily newspaper. The institution of private property, made transferable and exchangeable by means of the device called money, makes each man a central focus of dominion.

> "For him the winds do blow;
> The earth doth rest, heaven move, and fountains flow.
> Nothing he sees but means his good,
> As his delight or as his treasure;
> The whole is, either his cupboard of food,
> Or cabinet of pleasure."

Each man, by the simple process of industry, and becoming a producer, puts into the market and storehouse of productive industry, his little mite of a day's labor, and thus gains the right to draw out from that market a portion of each of the products that all the countries of the world have contributed to it.

Note, especially, that the contribution of each bears no proportion to the blessing that he receives in return. Aladdin had to rub his lamp in order to call up his genie, the slave of the lamp; so, too, the lamp of human industry must be kept bright by the toil of the individual; and on this condition, all is provided.

The service performed by the combined labors of all men, is a service infinitely more thoughtful than the service of the "slave of the lamp," or the "slave of the ring," in the Arabian tale. That service did only what was positively desired and commanded by the individual, Aladdin. But the service of the industry of the world does ten thousand more things for his true good and possible wants, than the individual can think of or understand.

The individual needs to be educated in order to learn to per-

ceive what servants wait on him and what priceless gifts stand ready for his hand.

This is the miracle: that the whole of society is "the slave of the ring" that serves each individual. For is not social combination, in a world of productive industry and commerce, a gigantic "ring" of human beings? And does not each single individual in that ring find that he is enriched by all the labors of all the human beings, so far as those labors are labors of production and exchange?

Through civil society each individual commands by his own feeble efforts the resources of the entire globe. The organization of civil society is so perfect that every day's labor of the wheat grower affects the price of wheat all over the world. Every day's labor in the mills of Lowell or Lawrence affects the price of cotton cloth in Australia. The day-laborer in the streets of this village commands with his meagre wages to that extent, a share in the coffee of the distant Indies, the sugar of Louisiana, the tea of China, the drugs of South America, the fruits and grains, the manufactures from all sections of the country.

The fact that conscious intelligence, directive power, controls the property of the world, is too obvious to need re-statement. I call property a *reflected being* because it exists only through the recognition of society. *Things* exist, it is true, without such recognition; but things do not become property until society confirms the right of ownership. Such recognition is always an act of directive intelligence. There are no rights of property where the possession and use of things depend on the will of the strongest individual. Rights of property arise only with the growth of insight into the supremacy of the social whole, as organized in the State. Man must see that society is stronger than the individual, and learn to obey the will of this invisible body, and to renounce the temptation to substitute his might for right, before property can really come to exist in a community. The laws that create and preserve property state the nature or constitution of the bonds that hold society together. They state the principles on which man shall contribute to his fellow men, and be permitted to share in their labors. Such distinctions as the laws of property set up, contravene the immediate desires and wishes of the individual, and demand of him the constant effort of self-control. He must acquire a reflected will, that is to say, a will that is bent back upon

itself in order to regulate its own action according to universal principles, called laws.

A *thing* is an immediate existence; but a piece of property is a thing that has become subject to my will through the recognition of society. Society acknowledges and respects the sway of my will over those things that constitute my property. Hence, property is not a mere thing, nor a direct product of my will, but the product of my will only as reflected in the will of the social whole in the form of a political body, the State.

It is clear enough that the rights of property can not exist except in a community whose directive power has adopted a code of laws and legal usages defining such rights of property, and only where there exists a specially educated class of the community (the jurists) to interpret the application of those laws to particular instances, and enforce their application on the part of the State, or guide the individual by professional legal advice. It demands too, the education of a law-making power. Under all there must be the generally diffused insight of the people into the necessity of the support of the power of the social whole against the might of particular individuals or classes of individuals.

This insight into the necessity of the political organization of society is an insight that belongs to what I call "directive intelligence," because it can be realized only through the control and direction of the mere individual will, requiring it to renounce its inclinations, wishes and whims, so far as they are not compatible with the existence of social combination. The rights of property can be conserved only through an educated class.

The higher kinds of property, such as vested rights and franchises, imply greater intelligence in the community. The property that consists in vested rights and franchises requires a more thoroughly educated community, because such rights rest on more subtle distinctions than the rights to chattels and real estate. The individual must be so disciplined in mind that he can see readily the connection of his own well-being with the existence of such franchises and vested rights.

The possibility of possession of property by all classes of people adds new validity to it, and makes it more valuable. That you can alienate your real estate makes it property in a complete sense. If it is entailed, it is only part property. The free possession of property, without feudal liens and tenure—the dead

hands of the past owners still clutching the symbol of their reflected being—comes to existence only where "a government *of* all the people, *for* all the people, and *by* all the people" prevails, and where it is rendered possible through universal education. Who would own real estate in Turkey? Who would accept a Russian estate on condition that he must live on it, and assume its responsibilities? No one of us, I think. The quality of property—its intrinsic value—depends upon the quality of the community who recognize it. The status of the reflected being is the status of those who reflect it. Property in a refined and cultivated community is raised to a high potence of value; in a barbarous community it is not worth the risks incidental to its possession. In proportion as a man is educated, he sees the substantial character of reflected existence, and this perception creates new recognition —bodiless possessions, "incorporeal hereditaments," as named in the law books, that receive their substance from conventional recognition. The growth of corporations is the wonder of this generation. They perform what the individual never could do for himself, and yet needs to have done in order that he may gain freedom from thraldom to nature. The individual could not afford to build aqueducts to obtain pure water from the distant hills, or to establish gas-works, or own a railroad, or a telegraph, or express system. Corporations furnish him all these things. If corporations abuse their power sometimes, this is because society has not yet learned where to place legal restrictions upon them, and is another illustration of the necessity of education in the community.

This general relation of education to wealth-production brings us close to the question of so-called industrial schools—manual training schools, "school-shops," and the like. It is clear enough that such schools are demanded as special training schools, and have a legitimate function to perform in an age of productive industry. But it is not so clear that they should be incorporated with common-school education, or in any way encroach on the time-honored disciplines of the common school—*i. e.*, reading, writing, arithmetic, geography, grammar, etc., or indeed take the place of anything that can be called general instruction.

Let us see what the United States census teaches us in regard to the proportions of the population engaged in the particular arts and trades. We can then see whether such industrial instruction

can be made general enough to answer the future needs of any considerable fraction of the pupils in school.

If each of the five hundred arts, trades, or occupations in the community required a special school for the preparation of its laborers, and had no manual and technical disciplines in common with the other occupations, it is clear enough that such special industrial education cannot be introduced into the common schools.

I have selected for this investigation nine cities differing greatly in respect of manufactures, commerce, and professional and personal service. They are,—New York, Philadelphia, Brooklyn, Chicago, Boston, St. Louis, Cincinnati, New Orleans and Baltimore.

It is evident that the inhabitants of cities will present us a larger proportion of laborers at the arts and trades than the country population. In the cities, if anywhere, it would be desirable to establish industrial education in the common schools.

According to the census of this country for 1870—I use the statistics of 1870 because the returns are complete—there were in New York City 350,556 persons above the age of ten years, who were reported as laboring in some occupation. Of these, 86,171 are reported as females.

Of the entire number there were 115,259 engaged in professional and personal services—being one-third. Personal services included 49,440 as domestic servants; 28,451 as mere laborers; 4,832 as in hotels and restaurants; 5,604 in laundries; 1,278 in livery stables; 1,535 in boarding houses; 2,549 barbers and hairdressers; 93,689 in all. Professional services included 715 clergymen; 316 journalists; 1,283 lawyers; 4,222 in government offices; 1,741 physicians and surgeons; 669 soldiers; 3,511 teachers; 12,457 in all.

When we consider the various occupations named above, under which one-third of all the laboring population of New York city are classified, we see that there could be no special training school added to the common schools that would fit each pupil for his particular vocation in one of these. By far the largest number in any single occupation are classed as domestic servants, and these form one-seventh part of the entire number of laborers.

The general discipline of the hand and eye that is given in the study of free-hand drawing in our common schools, would be of great service to nine-tenths of these laborers. Still more valuable

would be to all the training of the Kindergarten occupations, at the early age when the muscles are not yet formed and fixed. The one occupation of moulding from clay (twentieth "gift" of the Kindergarten), would be useful to all cooks and others who have to do with giving shape to plastic material.

The census reported 88,611 as engaged in trade and transportation, one-fourth of all the laborers.

Of these, 23,872 were traders and dealers; 4,744 were hucksters, peddlers, &c.; 27,590 were clerks, salesmen, &c.; 2,625 were bankers, brokers, &c.; 58,831, total, in trade.

Of those in transportation, 3,844 were engaged by railroads and express companies; 298 by telegraph companies; 4,463 sailors, &c.; 9,813 draymen, teamsters, &c.; 18,418 in all.

Here, too, we see that the industrial education fitted for all is a knowledge of arithmetic, reading and writing, and not some species of manual skill.

The number engaged in professional and personal services, added to those engaged in trade and transportation, give us nearly three-fifths of the whole industrial population of New York.

The number engaged in manufacturing and the arts is reported at 145,285, or the remaining two-fifths of the industrial population.

Of these, 3,533 were blacksmiths; 2,296 were iron and steel-workers; 3,787 were machinists; 1,562 were tinners; 11,178 in all.

Here we see 11,178 whose occupations have something in common, namely, the working with iron and steel, or "hardware" in some shape. The use of the hammer and the file would be useful to all these. But they form only three in one hundred of the entire industrial population. In a school of one thousand, they would make a class of thirty-two pupils.

If more than thirty-two pupils were attracted into this class from a school of a thousand, it would be likely to produce discontented laborers, who were not needed because their trade was overstocked with workmen.

Taking another general class of manufacturing, we find 10,426 carpenters; 5,071 cabinet makers; 686 carriage makers; 1,606 coopers; in all, 17,789 workers in wood.

The use of the file would not be specially useful to these. The use of the hammer would be necessary to all, but a very different knack in its use would be required. The use of the hammer on

iron and steel would be likely to specially unfit one for the best use of it on wood. But these wood-workers could all learn the use of wood-cutting tools, — the saw, the adze, the chisel, etc. But a class of only fifty could be found in a school of one thousand, all of whom were destined to some industrial occupation.

Next we find 1,479 cotton and woollen mill operatives; 9,747 milliners; 18,564 tailors; 30,790 who should know something about the manufacture of cloth, and most of whom should know how to sew. About seventy-five in a school of one thousand would enter a class that should know the specialties of the tailor and milliner. Probably five hundred of such a school should know how to sew.

We find 6,960 shoemakers; 3,855 bakers; 4,870 butchers; 5,824 painters; 8,018 plasterers. The common element of skill among these trades is a very general one — such as we call discipline of the hand to delicate manipulation, and of the eye to accuracy of measurement. Such training is given in the study of free-hand drawing, and in the "gifts and occupations" of the Kindergarten.

In the other eight cities, the proportion of the industrial population engaged in professional and personal services ranges from a little less than one-third, as in Philadelphia, to nearly one-half, as in New Orleans.

The population engaged in trade and transportation ranges from less than one-fifth, in Philadelphia, to more than one-fourth, in Chicago.

In manufactures, arts and trades, the number ranges from one-fourth, in New Orleans, to one-half, in Philadelphia.

These exhibits show only from thirty to forty per cent. of the entire population counted as industrial population. The population over ten years of age is about seventy-five per cent. of the whole population.

These figures show us how wild are the theories of those who declaim against the present course of study in the common schools, and demand the introduction of the arts and trades instead of the general disciplines that are now taught.

To meet the wants of the age as these reformers understand them, they should ask for the curtailment of the school period, and the apprenticeship of children to trades. Such apprenticeship is not likely to be undertaken by the State so long as the present ideas of personal freedom prevail in this country.

That the State may require a general education in science and letters, and a training in secular morality is reasonable enough, but it cannot choose the vocation of the citizen, for him, without attempting more than any State has done since the petty tyrannies of India ceased to exist.

Special industrial schools may be established at the expense of the State — such as are called school-shops, and polytechnic schools for those who elect such special training, and, doubtless, they will do much good.

They will prepare a set of master-workmen, who will be able not only to direct the labor of the journeymen mechanics, but, also, to teach them the best methods of manipulation. Such superintendent workmen will be doubly valuable to the community: first, securing better work: secondly, educating the workman.

It is agreed that this age is one of productive industry. Its active principle is invention; especially mechanic invention. Every day we hear of some new discovery that harnesses a new force of nature and compels it to work for man and assist in providing means of food, clothing and shelter, or means of intercommunication and the spread of knowledge. But mind, not the body, is the inventive power; the directive power that can manage and use machines to advantage is mental and not physical skill. The growth of invention is so rapid that the increase of manufacturing power by the aid of machinery is said to double, for all the world, once in seven years. The multiplication of steam-engines, and the improvement of machines, renders this possible. What unintelligent hand-labor is there that has any certainty of being in demand ten years hence? More than this, what trade is there that can count on using, ten years hence, just the kind of technical skill that it requires now?

The history of the present era of industries shows a continual shifting of vocations — no vocation having any long lease of life. The new discovery will make the trade learned to-day, after a long and tedious apprenticeship, useless to-morrow. Any peculiar knack which depends on manual dexterity, may be rendered valueless by a new application of machinery. The practical education, therefore, is not an education of the hand to skill, but of the brain to directive intelligence. The educated man can learn to direct a new machine in three weeks, while it requires three years to learn a new manual labor. The hand trained for twenty years at one

kind of labor, cannot learn a new work requiring a different kind of skill, because the muscles have become set and stiffened into one form of action. An uneducated workman will be thrown aside to perish in an almshouse. Only the versatile intelligence is able to meet the demands of the age of productive industry.

All the studies of the common school are conservative in their character, because they all open the windows of the soul, and give the mind insight into the substantial character of the institutions of civilization. They all tend to produce the conviction that the well-being of man is best furthered by the very instrumentalities that have been discovered and elaborated by the race, and especially, by modern civilization. Reading, writing, arithmetic, geography, history and grammar, all open the soul to light on the question of subduing nature, or on the problem of the character and destiny of the human mind, as revealed in language or social usages, or political forms and changes. The good school, moreover, teaches industry effectually. But its industry is that of directive intelligence, because the progress of civilization supplies more and more the machinery to perform menial service, and make it necessary to educate all into directive intelligence.

Self-directive intelligence makes for itself avenues of employment. Directive power is the only power that is never wasted.

It is not surprising that our people, educated in common schools, are versatile and industrious. Indeed, it is the most valid criticism that we hear—the general criticism that the American people overwork. Their ever active intelligence sees too many opportunities in the presence of this half-settled and half-civilized new world, and the consequence is premature old age on account of an unbroken career of work.

There is too little leisure from the rough work of pioneering to produce finished scholarship. But education, as far as it goes, disciplines the mind and fits it to understand the complicated questions which it meets in its new political experiment.

But there is not enough of this general education for the real needs of the age. Every citizen ought to be able to read and write, and know enough geography, grammar and history to understand the daily newspaper. At least, so much as this is essential to qualify a voter in a free republic.

But here we come upon the most unpleasant and unwelcome subject that our national statistics can furnish.

The census of our country for 1870, said: "Of the population over ten years of age, 5,658,144 cannot write; 4,880,271 of these are native born, and 777,873 are of foreign birth; 2,750,000 of these illiterates are colored. The total population of the nation over ten years of age, is 28,228,945." Hence, 20 per cent. of the population over ten years of age could not write in 1870. In Massachusetts, even, there were 97,742 who could not write—89,830 of these being of foreign birth, and only 7,912 being natives. Seven thousand is a large number for a State like Massachusetts. Twenty-three thousand illiterates were in Boston.

The census of 1880 tells us again that there are 6,239,958 persons unable to write, out of a total population of 36,761,607 persons of 10 years of age and upwards.

We have permitted universal suffrage, and the government is made by the majority. If we do not have universal education we shall all suffer for it. For we are tethered to the lowest stratum of our population, and must accept their influence in our politics. Nothing but education will ameliorate it.

The lover of his kind rejoices in the knowledge that here in America we have so organized our society that the welfare of the highest is connected indissolubly with the lowest, so that each one must in the main, see clearly that he is his brother's keeper, and realize the solidarity of the social whole. Each man is what he is, not through himself alone, but by and through the reflection thrown back upon him from the social whole in which he lives and has his being. Under monarchies and despotisms the same fact is true, but there is such a mirage created by the principle of caste, that it can not be seen clearly except by deep thinkers. Here it is visible, for the common laborer is also a voter, and participates in making the laws of a free government.

By the beneficent aid of machinery we are rising out of the social condition of extreme division of labor. Specialization of labor is not so necessary now as before the age of the power loom, and the steam engine.

A very important result of this change of labor from manual to machine labor is the emancipation of woman. Alertness and versatility are more in demand than strength and pertinacity, and the special characteristics of the female mind are said to be just these qualities, "alertness and versatility." Accordingly we see in this generation, a call of woman into a great variety of occupations formerly thought to belong to the sphere of man's labor exclu-

sively. The enlargement of the sphere of woman makes new demands on her intellectual training, and we see the rapid multiplication of higher institutions for the education of girls.

I think it a fact worthy of mention here that there has been organized, the past year, an "Association of Collegiate Alumnæ," numbering, already, 235 members, and representing institutions for the higher education of women in twenty-three States and Territories. The first circular of this new association takes up the subject of physical education, and gives interesting details regarding the actual condition of this species of education in several institutions devoted to the education of girls, together with suggestions on the best methods of securing needed reforms in this class of schools.

At the meeting of this Department last year, the subject of the physical and mental development of infants was mentioned in connection with the circular sent out by the Secretary of this Department, Mrs. Talbot, with a view to secure the registration of important statistics by mothers.

In the course of the year, returns have been received from a number of parents, severally residents of Virginia, Maine, Kentucky, South Carolina, Connecticut, Massachusetts, New York, Nebraska and Wisconsin. In a document published by the Association, and edited by Mrs. Talbot, the subject of infant development is presented in some detail through letters from Charles Darwin, and A. Bronson Alcott; reports from six parents in response to Mrs. Talbot's circulars, and reprints of noteworthy papers by Taine, Preyer, Champney and Darwin.

Any study of the subject is valuable, but it is not possible to give very satisfactory general answers to the questions in the circular mentioned. Generalized results in statistics are very apt to be misleading.

I have looked over some twenty-four of these returns, and have attempted to collect the several items of information, but only with indifferent success as will appear from the following:

1. Weight of infant at birth.

22 report; minimum weight reported, 6 lbs.; maximum, 11 lbs.; average, 9 lbs.

(Doubtless these reports are received, in most instances, from parents whose infants are remarkable in some way, and are likely to be larger in body than the average.)

2. Weight at three months.

18 report; the minimum weight, 7½ lbs.; the maximum weight, 24 lbs.; average weight, 16½ lbs.

3. Weight at six months.

16 report; the minimum weight, 13 lbs.; the maximum weight, 30 lbs.; the average weight, 20½ lbs.

4. Weight at one year.

10 report; minimum weight, 16 lbs.; maximum weight, 26½ lbs.; average weight, 22 lbs.

(In this shape, the statistics show nothing, because the omitted reports may be of such a character as to entirely modify the average result.)

5. Is the baby strong and healthy?

Twenty-four answer in the affirmative. (This, again, indicates the exceptional character of the data.)

6. At what age did the baby smile?

Reports from 20; one reports the age of smiling at one day; the tardiest child smiled at 2½ months; the average age was 30 days.

7. At what age did the child recognize its mother?

12 report; the youngest child to recognize the mother was 4 days old; the oldest, 3 months; the average age, 54 days.

(It is evident that this question requires more than average sagacity in the observer, if it is to get answered correctly.)

8. At what age did it notice its hand?

16 answer; minimum age reported, 3 weeks; maximum age, 4 months; average age, 60 days.

9. At what age did it follow a light with its eyes?

13 answer; minimum age by four reported, 2 days; maximum age, 3 months; average age 20 days.

10. At what age did it hold up its head?

17 answer; minimum age (reported by seven), one day; maximum age, 4 months; average age, 39 days.

11. At what age did it sit alone on the floor?

18 answer; minimum age reported, 4½ months; maximum age, ten months; average age, 7 months.

12. At what age did it creep?

13 answer; minimum age reported, 6½ months; maximum age, 13 months; average, 9 months.

13. At what age did it stand by a chair?

15 answer; minimum age reported, 8 months; maximum age, 13 months; average age, 10½ months.

14. At what age did it stand alone?

12 answer; minimum age reported, 8¾ months; maximum age, 17 months; average age, 12½ months.

15. At what age did it walk alone?

10 answer; minimum age reported, 10½ months; maximum age, 18 months; average age, 14⅓ months.

16. At what age did it hold a plaything in its hand?

19 answer; minimum age reported, 1½ months; maximum age, 5 months; average age, 3⅓ months.

17. At what age did it reach out and take a plaything.

13 answer; minimum age reported, 3 months; maximum age, 7 months; average age, 4¾ months.

18. At what age did it appear to be right or left-handed?

7 answer; minimum age reported, 2 days; maximum age, 10 months; average age, 4¾ months.

19. At what age did it notice pain, as the prick of a pin?

11 answer; the minimum age reported, one day; maximum age, 6 months; average age, 2 months.

20. At what age did it show a like or dislike in taste?

10 answer; minimum age reported, one day; maximum age, 9 months; average age, 3½ months.

21. At what age did it appear sensible to sound?

15 answer; minimum age reported, one day; maximum age, 7 months; average age, 1⅓ months.

22. At what age did it notice the light of a window, or turn towards it?

10 answer; minimum age reported, one day; maximum age, 3 months; average age, one month.

23. At what age did it show fear of the heat from a grate or stove?

5 answer; minimum age reported, 4 months; maximum age, 13 months; average age, 8½ months.

24. At what age did it speak?

13 answer; minimum age reported, 5 months; maximum age, 12 months; average age, 9 months.

25. How many words could it say at the end of one year?

9 answer; minimum, one word; maximum, 25 words; average, 9 words.

In the interesting pamphlet on Infant Development, edited by Mrs. Talbot, to which I have alluded, may be found the material of comparison with these data, and valuable commentary on their meaning suggested by such high scientific investigators as Darwin, Taine and Preyer.

I have copied the following items from their reports:

Mr. A. Bronson Alcott, from his diary written in 1833, reports that the infant under observation, at the age of ten days:

Noticed colors of the mother's dress, smiled. Age, fifteen days: Noticed watch swung by the hand, and followed its motion with the eye.

At 20 days: Noticed bright objects generally.

At 30 days: Turned towards the person speaking to it; long sustained efforts at attention to sounds, forms, motions; noticed its reflection in the mirror (but, as yet, no recognition of self in that reflection).

At 40 days: Indicated pleasure at "soft and suppressed tones" while "violent notes displeased her;" takes satisfaction in looking at objects and movements out of the window.

At 60 days: Notices a vase of flowers on the mantelpiece, while lying in her mother's lap, and smiles at it.

At 69 days: Notices her mother's finger ring set with amethyst; manifests pleasure at it, and gives attention to it for several minutes.

At 77 days: Notices colors of sofa cover, while lying on it; also, the colors of her dress, and attempts to seize and hold it in her hands.

At 71 days: Expresses terror at seeing a distorted face, making loud outcries and seeking protection in her mother's arms; vision of the face seems to haunt her fancy for some time.

At 78 days: Grasps objects and holds them.

M. Taine, article written for the January number of the Revue Philosophique, 1876, translated and reprinted in the English Quarterly, "Mind," for April, 1877 (p. 252), reports that a little girl,

At the age of one week: Grasped and held by her hand the forefinger presented to her.

At the age of $2\frac{1}{2}$ months: Turns her head to the grandmother on hearing her voice.

At the age of 12 months: Makes many articulate sounds but as yet attaches no meaning to them.

But before this period attaches meaning to two words when she hears them; when asked at ten months "Where is grandfather?" looks at his portrait and smiles; when asked, at eleven months, where is mama or papa, turns toward that person and smiles. By twelve months, also, the child had come to assign a general meaning to the word *bébé*, her grandmother having often shown her the picture of the infant Christ and said, "There is *bébé;*" she now points to the engravings and pictures on the wall when asked "Where's *bébé?*" taking the word to mean anything framed like a picture.

At 14 months, 3 weeks: Knows nine words besides *bébé*, including papa, mama, *tété* (nurse), *oua-oua* (dog), *ko-ko* (chicken), *da-da* (horse or wagon), *mia* (cat), &c.

At 15 months: Learns to walk.

At 17 months: Learns to recognize herself in the mirror.

From article of Mr. Darwin, published in the English Quarterly "Mind," for July, 1877, giving notes from a diary kept by him in 1840, reporting progress made by his infant son:

At two weeks: Started and blinked his eyes on hearing a sudden sound near him.

At 60 days: Started at the sight of objects suddenly presented to him, but was not yet able, even at 124 days, to recognize the direction from which a sound proceeded.

At 49 days: Noticed a tassel; had fixed his eyes on a candle at 9 days, but it was 7½ months before he was able to follow with his eyes an object swinging rapidly.

At 40 days: Took an object (the nursing bottle) in his right hand, but it was a week later before he took an object in his left hand, although he inherited tendency to become left-handed, and actually became so afterwards.

At 8 days: Showed anger by frowns.

At 45 days: Smiled ("his eyes brightening and eyelids closing slightly").

At 110 days: Laughed when a person alternately covered and then uncovered his face suddenly.

At 4 months: Showed pleasure at hearing music; also at seeing bright colors.

At 15½ months; Showed jealousy.

At 114 days: Showed ability to adapt means to ends.

At 6½ months: Recognized his image in the glass to be a reflection of his own face.

At 7 months: Could recognize the name of his nurse.

At 9 months: Learned that his hand would cast a shadow.

At 12 months and before: Could associate an idea with a sentence often repeated to him.

At 10 months: Tried to imitate sounds that he heard.

At 13 months: Showed the presence of conscience by concealment and sense of guilt.

At 12 months: Used the word "mum" to mean food ("shu-mum" meaning sugar); used gestures to express his meaning in other instances.

From the notes of Mr. F. H. Champney, published in "Mind" for January, 1881:

At 5½ weeks: First smile noticed.

At one week: Fixed its eyes on a candle.

At 2 weeks: Took notice of moving objects; would turn towards a person speaking.

At 8 weeks: Noticed himself in a mirror.

At 4 weeks: Would start at sudden noises.

In the still more interesting paper of Mr. F. Pollock, in "Mind" for July, 1878, an account is given of the development of language in an infant. (Mr. Pollock has contributed a number of notices of books relating to this subject; perhaps the most valuable is the one in "Mind" for July, 1881, in which he reviews the work of Fritz Schultze.)

At 12 months: Infant uses the sound m-m to express a want for anything; the word bá-bá is used at this time as a demonstrative.

At 13 months: There are four words; wa-wa (water), wah-wah (dog), ná-ná (nurse), dá-dá (first used as a demonstrative and finally comes to mean "father").

At 18 months; Comes to use the word "poor" in a very wide sense—meaning everything defective—not according to its ideal; the word "dum" for gum or "mucilage" for mending broken utensils, is also used in the wide sense of a universal remedy.

At 19 months: "Poor" things have two ways of being mended—by "dum" or "sh'ad" (thread).

[The conception of perfect and imperfect, of "poor" and its opposite, indicates the arrival at the thought of the ideal—at a standard by which to judge the real. It is of exceeding importance in the investigation of the development of infants to fix care-

fully the first appearance of this category and to recognize it under whatever form it assumes. It marks more distinctly than anything else the difference between the brute and human.]

Dr. Fritz Schultze (in his work *die Sprache des Kindes*, noticed by Mr. Pollock) gives the following as the order in which German children produce the consonants:

1st group. P, B, M, F. W, D, N.
2d " L, S.
3d " Ch, J (English Y).
4th " Sch.
5th " R.
6th " Ng, K, G.

According to Mr. Pollock, English children produce the consonants in the following order:

1. M, B, D, W, N.
2. T, P.
3. K, G, V, F.
4. Sh, S.
5. K, G, Th.
6. R.

Development of the vowel scale by German children (Dr. Schultze.)

1. Æ (English long A).
2. O.
3. U (English o͞o).

Development of the vowel scale by English children (Mr. Pollock):

1. A (long sound as in father and short sound of u in but).
2. I.
3. O.

"Among the consonants the labials and linguals come first, in Dr. Schultze's opinion; not only because they are the easiest in themselves, but because the muscular apparatus of the lips and tongue has the start of the rest of the vocal organs by being exercised in sucking from the very first. Hence the general similarity of the childish names for father and mother among widely different races of men."

At the age of fifteen months the vocabulary of Mr. Pollock's boy was 27 words; at 20 months he used his own name for himself; but at 24½ months he adopted the pronoun I. [The concep-

tion of personality as indicated by the use of the personal pronouns, forms an important epoch.]

The philosopher Hegel, building on the basis of Aristotle and Kant, defines the following as the significant landmarks in the development of the infant.

1. The ante-natal, or embryonic stage, continuous nourishment, vegetative phase of life.

2. With birth, the animal emerges from this vegetative phase of life and attains the powers of feeling and self-movement, the distinguishing characteristics of animal life. He retains the vegetative phase as digestive process, but makes it subordinate.

The breathing process is the most elementary of the phases by which the animal realizes his independence and individuality. In crying, the infant expresses a realizing sense of his needs and wants; the more highly organized the animal, the more expression it gives to this dissatisfaction at the difference it feels between its ideal and real.

This first stage of animal growth is of very great significance in an educative sense—the infant gradually becomes acquainted with the various degrees and qualities of sensations, and learns to seize the outer world through them. At first there is only the general distinction between light and darkness, then gradually the shades of difference become familiar, and he learns to know distances and degrees of resistance.

3. The transition from infancy to childhood is marked especially by the acquirement of language and the ability to play. This is the epoch which most of the statistics obtained in our circular relate to. The activity of the child is directed to the mastery of his body as an instrument for the control of the world. Here belong his phases of (a) teething, (b) learning to stand alone, (c) to walk, and (d) to talk.

While the lower animals stand and walk without special education, man has to acquire these arts by a painful training of the will. "He finds in the ability to walk a still freer relation to the external world, and learns to fix his locality for himself by an act of will, and thus annihilate distance." In language he attains the power to seize things in their general classes — each word standing not for some particular thing or attribute, but for a class with a possible infinite number of instances. So in using a word for an object, the child thinks it as one of a class even though he knows

of no other instances or examples. He also learns to know his own generality, and to know himself as Ego, or "I," through language. He begins here to express this newly acquired sense of self-hood and his independence of nature by play. In play he realizes his power over things, making them express his fancy or caprice, depriving them at will of their own purposes and intents, and imposing his own upon them. Nature shall be for the service of man, is the practical principle of play. "The destruction of playthings is the most rational phase of play."

After childhood comes youth and the school. Earnestness now enters as higher than play. The characteristic principle here is that the child takes up a higher form of activity, that of serious work—study and useful labor. Industry means the subordination of self to some rational end or purpose.

In play, the child celebrates his independence of and mastery over mere nature. In the discipline of study and work he achieves the mastery over his own naturalness and becomes a moral being, a social being.

Curiosity begins, especially in the form of the love of stories. The youth longs for what is strange and far-off. He feels his own internal difference of ideal and real more intensely from year to year. The love for the ideal awakens into aspiration. Imitation now becomes the strongest tendency.

In conclusion, I will venture to recapitulate the categories of infancy already used and classify them, adding a few new ones that seem to be necessary.

A. Sensation or Feeling.

1. Sense of touch, discriminating the feeling of heat and cold from the sense of touch proper which distinguishes the forms of objects through resistance.

2. Sense of taste distinguishing again the sense of temperature from that of flavor—ability to distinguish sweet, sour, bitter, &c.

3. Sense of smell.

4. Sense of hearing, distinguishing between sensitiveness to shocks of vibration and those of sound.

5. Sense of sight (a) first to light (b) bright objects (c) moving objects (d) gay colors (e) beautiful and ugly things and faces.

B. Self-Movement.

1. Ability to hold up its head.
2. To hold things in the hand.
3. To take things in the hand.
4. Sit up alone.
5. To creep.
6. To stand alone.
7. To walk alone.

C. Recognition.

1. Smile.
2. Recognize its mother, or the nurse, or other persons (to whom the preference is shown and how).
3. Recognize itself in the mirror (indicated by its recognizing the reflection of the face of the person holding it.)
4. Recognition of articles of food brought to it from the kitchen, and by what gestures it indicates its desire for them.
5. Recognition of playthings and indications of interest in them.
6. Playfulness. When the child first laughs at seeing the performance of some act in sport, as making up faces, hiding and discovering the face, hide and seek, &c., &c. (In this appears the recognition of reality under show—the discovery of real purpose under false appearance, etc. Under this head, too, must be recorded the appearance of acts that are imitative or dramatic in form.)

D. Language.

1. First object that the child is able to recognize on hearing its name spoken.
2. First name applied by the child itself to an object.
3. First occasion on which the child knowingly applies to a new object a name he has used before to designate a particular individual—so that he recognizes objects as belonging to a class and having the same name.
4. First application by the child of the name he is called by, to himself.
5. First use of personal pronouns — and the order in which they are employed (I, you, he, she, it, we, our, they, my, his, etc.)
6. Order of mastery over the parts of speech, — nouns, adjectives, verbs, pronouns, adverbs, prepositions, etc.

7. First use of words in a sentence.

8. First expression of the idea of perfect and imperfect, good and bad, poor, and fine, or any such forms that indicate the conception of the ideal in any shape as a standard by which it judges things or persons.

E. Passions.

1. Anger, or resentment.
2. Fear.
3. Love or preference.
4. Hatred or aversion.
5. Pride or selfishness.
6. Love of approbation.
7. Deceit or cunning.

F. Bodily Development.

1. Weight at birth and at each six months.
2. General health and dates and durations of sickness.
3. How nourished; when, what, and how much food from the kitchen furnished it — whether liquid or solid.
4. First tooth appears; subsequent ones.
5. Habits in regard to daily excursions in the open air, bathing, &c.

Doubtless, these categories must be reduced to specific questions, as is done in the case of the circular prepared by Mrs. Talbot. In order to secure pertinent and reliable answers to a set of questions, they must be free from ambiguity and nice distinctions.

To those who think that the study of infant development is a trivial matter, I would commend the words of De Tocqueville, the great and wise student of American Institutions. To such he says: "This, if I mistake not, is a great error. We must begin higher up; we must watch the infant in his mother's arms; we must see the first images which the external world casts upon the dark mirror of his mind; the first occurrences which he beholds; we must hear the first words which awaken the sleeping powers of thought, and stand by his earliest efforts, if we would understand the prejudices, the habits, and the passions, which rule his life. The entire man is, so to speak, to be seen in the cradle of the child."

COMMEMORATION OF CHARLES DARWIN.

September 5, 1882.

Mrs. TALBOT, Secretary of the Department of Education, said:

The civilized world is still mourning the loss of one of the most original and remarkable of its scientific men,—Charles Robert Darwin,—an honorary member of this Association. It is fitting that we, as an Association, should express our appreciation of his great achievements in science, and our indebtedness to him for sympathy and encouragement in the objects for which we labor, giving words to our regret that so wise a counsellor and so sagacious a friend should not be spared longer to us. The originality of his conceptions, his indefatigable and persistent industry, his good fortune in living long enough to see the bitterness and ridicule with which the first results of his labors were greeted gradually turned to approval and acceptance, the great impression made upon modern thought by his work,—all these facts are widely known and as widely appreciated. Both his life and his work contribute to the confirmation of our hope and faith that Man, as Darwin himself expresses it, is capable of rising to the highest destiny.

On his father's side, Mr. Darwin was descended from Erasmus Darwin, known to the world as physician, poet and man of science. His mother was the daughter of Josiah Wedgwood, a man distinguished for his successful experiments in the manufacture of pottery. Charles Darwin was born at Shrewsbury, February 12, 1809. His education was thorough, and he passed several years at the best universities of the time. From Edinburgh University he went to Christ's College, Cambridge, where he took his Bachelor's degree in 1831, and the degree of M. A. in 1837. Mr. Darwin expressed himself to me as under a great mental cloud so long as he was compelled to study Latin and Greek. Pleasure in acquisition, and mental discipline only came with the freedom to pursue his favorite studies in Natural Science. Were it not for his habitual caution in making statements without the support of years of experiment and observation, we should doubtless have heard some positive denunciation from him of the prevailing methods of severe and long-continued drill in the classics. In 1836, Mr. Darwin returned to England after a five years' voyage in Her Majesty's Ship Beagle.

During this time, the work done by him was of great interest and value in every department of Natural History. Observations

were then begun which it took forty years to complete. As some writer truly says: "Such far-seeing deliberation can only be the attribute of the greatest minds, which can see the end from the beginning. Years and years are spent by him in the accumulation of facts, with open-minded watchfulness as to the tendency of the results. The expressed inferences in Mr. Darwin's works are few; he piles instance on instance, and experiment on experiment, and almost invariably the conclusion to which he comes seems but the expression of the careful and unbiassed reader's own thought." He has impressed the world of thought not only by his conclusions, but by the manner in which he has reached these conclusions. The same writer says, also: "Nowhere is this more signally evident than in the work on 'Domesticated Animals and Plants.' The results which were brought out in these volumes were full of significance, while at the same time they afforded abundant occasion for the opponents of Darwinism to scoff and pour harmless contempt on the whole line of inquiry, forgetting, or wilfully shutting their eyes to the fact, that the results which Mr. Darwin showed to be possible bore no proportion to the gigantic efforts of Nature through untold ages." The trained specialist in Natural Science, in Theology, in Education, can more fully comprehend the application of the careful and exact methods instituted by Darwin, than the man of affairs can, who looks for immediate information and direct results. No one, however, can fail to admire the greatness and singular beauty of Mr. Darwin's character, or to be charmed by the rare personal gifts which were independent of his achievements as a man of science.

In estimating his value, we must admit his great worth, not only as a citizen of England but as a citizen of the world. In his simplicity and integrity, in his fine regard for the feelings and labors of others, in his sympathies and interests, limited only by time and strength, he was great. His enthusiasm was unbounded; he was most intensely alive; his figure was erect and alert; his speech impetuous and ardent; his whole manner a perfect illustration of Emerson's lines:

> "The music that can deepest reach,
> And cure all ill, is cordial speech;
> Of all wit's uses, the main one
> Is to live well with who has none."

He, more than any person I ever saw, stimulated all who were with him to think and speak their best.

It is now little more than a twelvemonth since, commissioned by the Council of this Association, I sought an interview with Mr. Darwin. An invitation from Mrs. Darwin to an informal luncheon was gladly accepted, and on a sultry noon in July, 1881, the train hurried me out of the intense living activities of the London of today into immediate association with the past. In going from London into Kent one catches a glimpse of Hampton Court, and sees where Strawberry Hill lies embowered in trees. Cromwell dwelt in this suburb. Byron lived yonder. Wimbledon Common is not far off. Chislehurst is close at hand. After passing through old and picturesque towns I left the train at Orpington, a little station in the midst of green fields and ripening grain, and drove along a hot and dusty road, which at length narrowed to a shady lane, skirted by hedges, with here and there a farm-house or a more pretentious mansion. The views became charmingly pastoral as the long hill was ascended to the little hamlet of Down, which stands in sober dignity quite unconscious of the great and tender spirit that, with simple modesty, is striving to enter into the Divine mysteries locked in its neighboring fields. On account of the intense heat of the day the carriage was delayed, and the family were already seated at luncheon when I entered the grounds. The sound of wheels on the driveway Mr. Darwin was quick to hear, and before the coachman could lay down the reins the active form of my host appeared on the threshold, with his dignified and amiable wife by his side. The solicitous inquiries, the cordial grasp of the hand, the kind manner, made me feel that there was, in such a welcome, warmth enough to take in the whole American Association, rather than a single member of it. Seated beside Mr. Darwin at table, his earnest manner of saying that he liked Americans, and the pathetic expression of his regret that he was now too old ever to visit that wonderful country, was the introduction to a lively talk about American affairs, and especially the interests of this Association. When I extended to him the invitation with which I was charged, to form in England a committee of observation on the development of infants, and thus continue to forward that interesting work which he had long ago initiated, he replied: "I cannot do that, because I have just refused the Prime Minister of England an equally congenial service; but can you not

ask me to help you in some other way?" To the suggestion that a communication to the Education Department would give not only pleasure but instruction, his response was, "That I can do, and will gladly. But when?" I said, "In the course of a month." His answer was a remarkable one, from a man who could patiently wait a whole decade to prove a fact. "Anything I may write," he said, "will meet you in Norway next week. When I have anything to do, it must be done at once." Therefore the letter of Darwin to the American Association followed your delegate over fjord and fjeld to the heart of Norway.

He expressed deep regret and mortification that he had not more clearly understood the meaning of our civil war, and said that his only apology was that the sources of information in England had proved unworthy of confidence, and thus he and others were misled in their sympathies. It was his constant effort, he said, to endeavor to repair any injury which his mistaken opinions might have caused to the interests of humanity, and he hoped he should be forgiven his error. The interest of Darwin in this country was intense, and he had watched with an eager pleasure our achievements and possibilities. He spoke with appreciation of the wonderful spirit of invention which possesses us; he was full of enthusiasm over the military and surgical reports of our war, and hoped that they received in this country the recognition which they merited.

It is not so well known as it should be, in the United States, how exceptionally happy Darwin was in his personal and home life. Living in great retirement, five miles from a railway station, away from the wearisome conventionalities of society, his work went on while he was surrounded by the charms of rural life. He had a robust appearance, but it was only by the greatest care that he was able to maintain his health and strength. The world owes a great debt to the devoted wife who constantly watched and carefully guarded, so far as she was able, this sensitive and delicate frame from the ills and annoyances of life. It was by these means that it became possible for him to accomplish such a marvellous amount of work.

Another important and conspicuous trait in the character of Darwin, which might well be imitated, is that kindness that was never condescension,—a genial bearing towards young students and unreflecting people. His entire unconsciousness of his own remarkable powers led to an ever-ready sympathy with the efforts

of other men, and an honest and hearty appreciation of their work free from all feelings of envy or jealousy. This is the quality of soul that inspires our sorrow and moves us to tenderest grief when we think of what we have lost. This broad, living, loving sympathy is the crucial test of human greatness, and will always remain our best inspiration and our highest hope.

Considering, in this light, Mr. Darwin's life and character, we believe that by his example of thoroughness and patience and candor, the whole world is benefited. From this time forth, only facts that are sustained by the most convincing evidence will gain and hold the respect and confidence of investigators in the different departments of human knowledge. Professor Huxley puts into the happiest form of expression the opinion of many candid thinkers, when he says:

History warns us that it is the customary fate of new truths to begin as heresies, and to end as superstitions; and, as matters now stand, it is hardly rash to anticipate that in another twenty years the new generation, educated under the influences of the present day, will be in danger of accepting the main doctrines of the Origin of Species with as little reflection, and it may be with as little justification, as so many of our contemporaries twenty years ago rejected them. Against any such a consummation let us all devoutly pray; for the scientific spirit is of more value than its products, and irrationally-held truths may be more harmful than reasoned errors. Now, the essence of the scientific spirit is criticism. It tells us that to whatever doctrine claiming our assent, we should reply, Take it if you can compel it. The struggle for existence holds as much in the intellectual as in the physical world. A theory is a species of thinking, and its right to exist is co-extensive with its power of resisting extinction by its rivals.

Mr. Parke Godwin said he had been particularly struck, in reading Darwin's works, with the thoroughly scientific spirit in which his inquiries were at all times pursued. He was a genuine scientific man, not a speculative thinker or metaphysical philosopher masquerading in the garb of a scientist. He was a true disciple of Bacon, and made all theoretical opinions submit to the ordeal of actual correspondence with ascertained facts. He was not at all dogmatic, being more given to suggestion than assertion. Some of those who have taken his name would have done well to copy his thoroughness of investigation and his caution of statement.

Mr. Sanborn spoke of the interest early taken in Darwin's speculations on the Origin of Species by Thoreau, who died too

early (in 1862), to see the full development of that theory which has now fastened itself upon the scientific generalization of mankind. Thoreau would not have accepted the later form in which Darwin stated his hypothesis; but he recognized in the English naturalist, as all men must, that modest boldness of suggestion which distinguished him among his contemporaries. Much earlier than the publication of Darwin's discoveries, the insight of an American poet had declared the law of development.

> "A subtle chain of countless rings
> The next unto the farthest brings;
> And striving to be man, the worm
> Mounts through all the spires of form."

These lines appear as the motto of Emerson's "Nature," in the edition of 1849, and they may have been written as early as 1840.

It had been hoped that Mr. HERBERT SPENCER, who was visiting Saratoga a few days before the meeting of the Association, would remain and take part in this commemoration of Darwin; but his engagements did not permit this. On the 7th of September Mr. SPENCER was elected an honorary member of the Association.

ERRATUM.—On the first page of Mr. Bacon's paper, the round number "65,000" should be "64,137."

AMERICAN SOCIAL SCIENCE ASSOCIATION.

CONSTITUTION,

LIST OF OFFICERS, COMMITTEES AND MEMBERS,

1882–3.

BOSTON, APRIL 1, 1883.

THE AMERICAN SOCIAL SCIENCE ASSOCIATION

Was organized in October, 1865, at a public meeting in Boston, at which the late Governor ANDREW presided. Its Presidents have been Prof. W. B. ROGERS, SAMUEL ELIOT, GEORGE WILLIAM CURTIS, President WOOLSEY, DAVID A. WELLS, President GILMAN, of Baltimore, and Professor WAYLAND, of Yale College, who now fills the office; its Secretaries, SAMUEL ELIOT, HENRY VILLARD, and F. B. SANBORN. It now has members in nearly all sections of the United States, numbering in all between 300 and 400.

Its object, stated briefly, is to encourage the study of the various relations, social and political, of man in modern life; to facilitate personal intercourse and the interchange of ideas between individuals interested in promoting educational, financial, sanitary, charitable, and other social reforms and progress; and promptly to make known to the public all theoretical or practical results which may flow from such studies or investigations. To some extent these ends have been successfully attained, by the organization and growth of the Association, and the periodical public meetings of the members, with the accompanying reading of papers and discussions.

Our income has hitherto been sufficient to meet our expenses; but it has been necessary to rely upon sources which may be called extraordinary. The Association has no funded property; its *regular* income is composed mainly of annual payments from members, which amount to less than $1,600 *per annum*. The cost of publishing three numbers of the Journal (about 600 pages, 8vo.) is $1,200; the salary of Secretary, expense of annual meetings and incidentals, $1,200 more, in round numbers, or a total of $2,400. It is thought that the time is come when we may confidently appeal to the general interest felt in Social Science throughout the country, for the purpose of establishing our finances upon a solid basis, by enlarging our list of members to 500 or 1,000. It is believed that an institution supported in this way, and relying on a wide-spread popular feeling of interest, will not only stand firmer, but will accomplish its educational object far better than if (as hitherto) supported by a few subscribers. In order to avoid misapprehension and prejudice, it may be stated that while the Association welcomes all new ideas, and encourages the greatest freedom of intelligent expression and debate, it does not hold itself responsible for the opinions of its individual members.

Membership is obtained by the annual payment of five dollars. This confers the right to take part in business meetings of the Association, and to vote in election of officers, and entitles one to receive its publications free of expense. The publications consist chiefly of the "Journal of Social Science," which includes the results of the work of the Association, more especially the proceedings and papers of the General Meetings.

It would seem that the desired increase in membership ought to be easily obtained; and the Council believe that it can be, if those who read this will become members, and aid in interesting others.

Publications can be obtained and information had by addressing F. B. SANBORN, Concord, Mass., or the Publishers for the Association, A. WILLIAMS & Co., Boston, and G. P. PUTNAM'S SONS, New York.

CONSTITUTION.

[It will be seen that under the Constitution, as here printed, a new organization of the officers of the Association has been made,—what was formerly called the Executive Committee, being now the Council.]

The Constitution, as amended January 14, 1880, is as follows:—

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective Departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen The President, or in his absence, a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a Local Department shall be organized and recognized as such by the Council, its chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendments.

AMERICAN SOCIAL SCIENCE ASSOCIATION.

OFFICERS OF THE ASSOCIATION,

1882-1883.

President, FRANCIS WAYLAND, New Haven, Ct.

First Vice-President, DANIEL C. GILMAN, Baltimore, Md.

Vice-Presidents.

MARTIN B. ANDERSON, Rochester, N. Y.
THOMAS C. AMORY, Boston.
RUFUS KING, Cincinnati.
Mrs. JOHN E. LODGE, Boston.
Miss MARIA MITCHELL, Poughkeepsie, N. Y.
Mrs. CAROLINE H. DALL, Georgetown, D. C.
HENRY HITCHCOCK, St. Louis, Mo.
THEODORE D. WOOLSEY, New Haven.
HENRY B. BAKER, Lansing, Mich.
T. M. POST, St. Louis.
NATHAN ALLEN, Lowell.
HENRY VILLARD, New York.
HUGH THOMPSON, Columbia, S. C.
J. W. HOYT, Wisconsin.
JOHN M. GREGORY, Washington, D. C.

General Secretary, F. B. SANBORN, Concord, Mass.

Treasurer, F. J. KINGSBURY, Waterbury, Ct.

Directors.

DORMAN B. EATON, New York.
HORACE WHITE, "
ANSON P. STOKES, "
JONAS M. LIBBEY, "
JOHN EATON, Washington, D. C.
T. W. HIGGINSON, Cambridge.
GEORGE T. ANGELL, Boston.
Mrs. HENRY WHITMAN, Boston.
CARROLL D. WRIGHT, "
H. L. WAYLAND, Philadelphia.

Department Officers.

I. *Education.*—Prof. W. T. HARRIS, Concord, *Chairman;* Mrs. EMILY TALBOT, Boston, *Secretary.*

II. *Health.*—EZRA M. HUNT, M. D., Trenton, N. J., *Chairman;* Miss ELIZA M. MOSHER, M. D., South Framingham, Mass., *Secretary.*

III. *Finance.*—DAVID A. WELLS, Norwich, Ct., *Chairman;* HENRY W. FARNAM, New Haven, Ct., *Secretary.*

IV. *Social Economy.*—F. B. SANBORN, Concord, *Chairman;* Mrs. HENRY WHITMAN, Boston, *Secretary.*

V. *Jurisprudence.*—Prof. FRANCIS WAYLAND, New Haven, *Chairman;* Prof. THEODORE S. WOOLSEY, New Haven, *Secretary.*

Executive Committee.

Prof. FRANCIS WAYLAND, *President;* F. B. SANBORN, *General Secretary;* F. J. KINGSBURY, *Treasurer;* Mrs. EMILY TALBOT, *Education Secretary;* Dr. E. M. MOSHER, *Health Secretary;* Prof. THEODORE S. WOOLSEY, *Jurisprudence Secretary;* HENRY W. FARNAM, *Finance Secretary;* Mrs. HENRY WHITMAN, *Social Economy Secretary.*

DEPARTMENT COMMITTEES—1882–83.

Education Department.—Prof. W. T. Harris, Concord, Mass.; T. W. Higginson, Cambridge, Mass.; Justin Winsor, Cambridge, Mass.; A. R. Spofford, Washington, D. C.; W. F. Poole, Chicago, Ill.; Samuel S. Green, Worcester, Mass.; Prof. G. P. Brown, Terre Haute, Ind.; W. T. Switzler, Columbia, Mo.; John Hitz, Washington, D. C.; Prof. Alpheus Hyatt, Boston, Mass.; Mrs. Martha E. Ware, St. Louis, Mo.; Mrs. Rebecca D. Rickoff, Yonkers, N. Y.; Pres. F. A. P. Barnard, New York; Gen. S. C. Armstrong, Hampton, Va.; Louis F. Soldan, St. Louis, Mo.; Rev. Washington Gladden, Springfield, Mass.; Rev. A. D. Mayo, Boston; Miss Sarah E. Doyle, Providence, R. I.; Miss Alice E. Freeman, Wellesley College, Mass.; Mrs. Ellen H. Richards, Boston; Prof. Edward C. Pickering, Cambridge, Mass.; Edwin P. Seaver, Boston; G. Stanley Hall, North Somerville, Mass.; Mrs. Emily Talbot, Boston.

Health Department.—E. M. Hunt, M.D., Metuchin, N. J.; Walter Channing, M.D., Boston; D. F. Lincoln, M.D., Reading, Pa.; W. G. Wylie, M. D., New York; Prof. W. H. Brewer, New Haven, Ct.; J. C. Hamilton, M. D., Mobile, Ala.; George E. Waring, Jr., Newport, R. I.; J. S. Billings, M. D., Washington, D. C.; Charles B. White, M.D., New Orleans, La.; Henry P. Baker, M.D., Lansing, Mich.; John Rauch, M.D., Springfield, Ill.; E. C. Seguin, M.D., New York; A. N. Blodgett, M.D., Boston; Mary Putnam-Jacobi, M.D., New York; C. F. Wingate, New York; Elisha Harris, M.D., New York; Emily F. Pope, M.D., Boston; Eliza M. Mosher, M.D., South Framingham, Mass.

Finance Department.—David A. Wells, Norwich, Ct.; Hamilton A. Hill, Boston; George Walker, Paris, France; George S. Coe, New York; Prof. F. A. Walker, Boston; B. B. Sherman, New York; J. M. Gregory, New York; Carroll D. Wright, Boston, Mass.; Joseph D. Weeks, Pittsburgh, Penn.; Edward Atkinson, Boston, Mass.; William F. Ford, New York; Robert P. Porter, Chicago, Ill.; Frederick W. Foote, New York; B. F. Nourse, Boston; H. W. Farnam, New Haven, Ct.

Jurisprudence Department.—Prof. Francis Wayland, New Haven, Ct.; Charles A. Peabody, New York; Prof. Henry Hitchcock, St. Louis, Mo.; Rufus King, Cincinnâti; Prof. Carleton Hunt, New Orleans; Prof. T. W. Dwight, New York; E. Coppée Mitchell, Philadelphia; A. R. Lawton, Savannah, Ga.; F. J. Dickman, Cleveland, Ohio; B. H. Bristow, New York; Anthony Higgins, Wilmington, Del.; J. C. Parsons, Hartford, Ct.; E. J. Phelps, Burlington, Vt.; Emerson Etheridge, Memphis, Tenn.; Peter Hamilton, Mobile, Ala.; George M. Sharp, Baltimore, Md.; Theodore Bacon, Rochester, N. Y.; Theodore S. Woolsey, New Haven, Ct.

Social Economy Department.—F. B. Sanborn, Concord, Mass.; Robert Treat Paine, Jr., Boston; F. H. Wines, Springfield, Ill., Charles L. Brace, New York; Rev. Oscar C. McCulloch, Indianapolis, Ind.; Rev. Frank Russell, Mansfield, Ohio; Henry W. Lord, Detroit, Mich.; William P. Letchworth, Portageville, N. Y.; Mrs. Clara T. Leonard, Springfield, Mass.; Mrs. Florence Bayard Lockwood, New York; Miss Anna Hallowell, Philadelphia; Robert T. Davis, M. D., Fall River, Mass.; Mrs. Henry Whitman, Boston.

MEMBERS OF THE ASSOCIATION.

[All Officers are *ex-officio* members of the Association; but persons serving on Department Committees may or may not be members of the Association. In recent lists, these members have been classified by States, but, for convenience, in the present revised list the annual members are given alphabetically, without reference to States; then the life members follow, classified by States, and finally the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessment for two years,—but members so dropped can be restored to the list by paying their arrears. If former members do not find their names on the list as it now stands, it will generally be for the reason just mentioned.

No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it, up to April 1, 1883; but, no doubt, the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.]

ANNUAL MEMBERS.

ALPHABETICALLY ARRANGED.

Adams, W. Irving, New York City, 419 Broome street.
Agnew, Dr. C. R., New York City, 206 Madison avenue.
Aikin, Rev. Charles A., Princeton, N.J
Aldrich, P. E., Worcester, Mass.
Allen, Dr. Nathan, Lowell, Mass.
Allen, Prof. W. F., Madison, Wis.
Amory, T. C., Boston, 19 Commonwealth avenue.
Amory, Wm., Boston, 60 State St.
Anderson, Dr. M. B., Rochester, N.Y.
Andrews, Israel W., Marietta, Ohio, Prest. Marietta College.
Angell, J. B., LL.D., Ann Arbor, Mich.
Anthony, Henry B., Providence, R. I., 9 Benefit street.
Ashburner, William, San Francisco, Cal., 1014 Pine street.
Atkinson, Edward, Boston.
Bacon, Theodore, Rochester, N. Y.
Baker, Henry B., Lansing, Mich., State Board of Health.
Baldwin, Prof. S. E., New Haven, Ct.
Bancroft, Dr. J. P., Concord, N. H.
Baright, Mrs. F. A., Asbury Park, N. J.
Barnum, Hon. Wm. H., Lime Rock, Conn.
Bartlett, George B., Concord, Mass.
Bassett, Mrs. Mary G., Hartford, Conn.
Battell, Hon. Robbins, 74 Wall St., P. O. Box 944, N. Y.

Beleher, G. C. W., St. Louis, Mo. (Beleher Sugar Refining Co.).
Bemis, Edward W., Johns Hopkins University, Baltimore, Md.
Billings, Frederick, Woodstoek, Vt.
Bird, F. W., East Walpole, Mass.
Bissinger, Philip, New York City, 22 St. John street.
Bittinger, J. B., Sewickley, Pa.
Blake, Stanton, Boston, 7 Exehange Plaee.
Blatehford, E. W., Chieago, Ill., 375 North La Salle street.
Bliss, Eugene F., Cincinnati, Ohio.
Bond, Charles H., Middletown, Conn.
Bond, Frank S., Marshall, Texas.
Bonney, Dr. Franklin, Hadley, Mass.
Bowker, R. R., New York City, Franklin Square.
Brace, Charles L., New York City, 19 East 4th street.
Bradford, Rev. A. H., Montelair, N. J.
Braman, J. C., Boston, Mass., 50 State street.
Breed, W. J , Cineinnati, Ohio.
Brewster, Lyman D., Danbury, Conn.
Brockway, Z. R., Elmira, N. Y.
Brühl, Dr. Gustav, Cineinnati, O., 32 Hopkins street
Brooks, Phillips, Boston, Clarendon street.
Buffum, Miss Fanny A., Linden, Mass.
Bullard, W. S., Boston, 5 Mt. Vernon street.
Butler, Dr. John S., Hartford, Conn., U. S. Hotel.
Chaee, Prof. Geo. I., Providenee, R.I.
Chamberlain, Dr. C. W., Hartford, Conn.
Chapin, Dr. J. B., Willard Asylum, P. O., Willard, Seneea Co., New York.
Chase, George B., Boston, Mass., 234 Beaeon street.
Chilton, Mrs. James R., eare David Thurston, 51½ Pine St., New York.
Church, Frederick E., Hudson, N. Y.
Clark, Albert (1601 I St., N. W.), Washington, D. C.
Clark, J. S., Boston, Mass., 7 Park street.
Coe, Mrs. Geo. S., Englewood, N. J.
Colby, James F., New Haven, Conn.
Coleman, E , 3209 Powelton avenue, Philadelphia, Pa.
Collamore, Miss H., Boston, 115 Beaeon street.
Collier, M. Dwight, St. Louis, Mo., 21 Singer Building.
Conner, Dr. P. S., Cineinnati, Ohio, 159 West 9th street.
Converse, Charles A., Norwieh, Conn.
Converse, Miss Emma M., 41 College street, Providenee, R. I.
Coolidge, T. Jefferson, Boston, Mass., 60 State street.
Corning, Erastus, Albany, N. Y., 38 State street.
Coxe, Eckley B., Drifton, Luzerne Co., Pa.
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CONTENTS OF NUMBER FOURTEEN.—I. The General Meeting of 1881. Death of President Garfield. II. Opening Address of Professor Wayland, President of the Association. III. The Three-fold Aspect of Social Science. Report of the General Secretary, F. B. Sanborn. IV. Civil Service Reform, an Address by George W. Curtis. V. The American Newspaper—Charles Dudley Warner. VI. Prohibitory Legislation—P. Emory Aldrich. VII. Province of Legislation in the Suppression of Intemperance—F. W. Bird. VIII. License and Prohibition—Rev. Leonard W. Bacon. IX. The Moral Statistics of the United States—Dr. Woolsey. X. Divorce Laws—Prof. W. C. Robinson. XI. Lax Divorce Legislation—Rev. S. W. Dike. XII. Address on Health and Insanity—Walter Channing, M.D. XIII. Women Practising Medicine—Dr. E. F. Pope. XIV. Constitution, List of Members, Officers and Committees of the Association.

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CONTENTS OF NUMBER SEVENTEEN.—I. Introduction. II. Address—Rev. A. D. Mayo, on National Aid to Education. III. Address—President Angell, on Diplomatic Relations between China and the United States. IV. Papers of the Jurisprudence Department, viz.: 1. Professional Ethics—Theodore Bacon. 2. Local Self-Government—Edward W. Bemis. 3. Disfranchisement for Crime—James F. Colby. 4. A Plan for Extinguishing Crime—Edwin Hill. 5. Punishment for Certain Crimes—H. A. Hill. V. Address—Prof. W. T. Harris. VI. The Darwin Commemoration. VII. A Paper on The Progressive Spelling—Rev. H. L. Wayland. VIII. Miscellaneous Matters.

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For information concerning the Association or its Publications, address:

F. B. SANBORN, *Secretary*,

CONCORD, MASS.

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CONTAINING THE

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NUMBER XVIII.

MAY, 1884.

SARATOGA PAPERS OF 1883.

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PREFACE.

The Papers included in this number of the *Journal of Social Science*, are all the Saratoga Papers of 1883 which have been received from the authors in condition for printing. As some misapprehension may exist in regard to the publication of Papers by the Association, it may here be said that all Papers engaged for the General Meeting of the American Social Science Association, are so engaged with the understanding that they may be printed in the *Journal of Social Science*, if the Council so decide; if, therefore, the writers choose to publish their Papers elsewhere, (to which the Council offers no objection), it must be with the stipulation that these Papers may also be published in the *Journal*, at the option of the Council as to time of publication.

The absence of some of the Saratoga Papers of 1883, will be noticed; the Address of Rev. Dr. Pattison, on *Free Thought in Politics*, and that of Mr. D. G. Mitchell, on *Public Parks*, being withheld by the authors. A list of the Addresses and Papers at the Meeting of 1883, will be found on pages v. and vi., and the announcements for the meeting of next September, so far as can now be made, are on pages vii. and viii.

It has been thought best to print all the Papers of 1883 in one issue of the Journal, which accounts for the delay in issuing the present Number.

F. B. S.

Concord, April 28, 1884.

ORDER OF BUSINESS

AT THE

GENERAL MEETING OF 1883.

IN GENERAL SESSION.

Monday Evening, September 3d, 8, P. M., Opening Address of the President, Prof. WAYLAND.

Tuesday Evening, September 4th, 8, P. M., An Address on *The American Civil Service*, by J. M. GREGORY, LL. D., of Washington.

Wednesday Evening, September 5th, 8, P. M., Annual Report of the Secretary, and Election of Officers.

9, P. M., An Address by DONALD G. MITCHELL, ESQ., of New Haven, on *Public Parks.*

Thursday Evening, September 6th, 8, P. M., An Address by Rev. T. HARWOOD PATTISON, D. D., of Rochester, N. Y., on *Free Thought in Politics.*

Friday Evening, September 7th, 8, P. M., A Debate on *Labor in Prisons*, in which Mr. C. A. IVES, Prof. WAYLAND, Mr. Z. R. BROCKWAY, and others took part.

DEPARTMENT MEETINGS.

Tuesday, September 4th.

DEPARTMENT OF EDUCATION.

9.30, A. M., An Address by the Chairman, W. T. HARRIS, LL. D., of Concord, Mass., on *Moral Education in Schools.*

10, A. M., A Paper on *New Methods of Study in History*, by Prof. HERBERT B. ADAMS, of Baltimore, Md.

11, A. M., A Paper by W. CAVE THOMAS, of London, Eng., on *The True Higher Education.*

11.30, A. M., A Paper on *Public Libraries*, by J. N. LARNED, Esq., of Buffalo, N. Y.

12, M., A Paper on *Physical Training in Homes and Training Schools*, by Dr. D. A. SARGENT, of Cambridge, Mass.

Wednesday, September 5th.

DEPARTMENT OF HEALTH.

9.30, A. M., An Address by the Chairman, Dr. E. M. HUNT, of Trenton, N. J., on *Health and Social Science.*

10.30, A. M., A Paper by GEORGE E. WARING, JR., ESQ., of Newport, R. I., on *House Construction with Reference to Plumbing and Drainage.*

11, A. M., A Paper by Dr. T. D. CROTHERS, of Hartford, Conn., on *Inebriety;* followed by a Debate.

12, M., A Paper on *Inebriety in Women*, by LUCY M. HALL, M. D.

1, P. M., A Paper by Dr. WALTER CHANNING, of Boston, on *The Causes of Insanity.*

Thursday, September 6th.

DEPARTMENT OF JURISPRUDENCE.

9.30, A. M., An Address by the Chairman, Prof. FRANCIS WAYLAND.

10, A. M., A Paper on *The Assertion of Rights*, by Prof. J. T. PLATT, of New Haven, Conn.

11.30, A. M., A Paper on *International Ethics*, by E. M. GALLAUDET, LL. D., of Washington, D. C.

1, P. M., A Paper on *The Legal History of the Telephone*, by M. F. TYLER, ESQ., of New Haven, Conn.

Friday, September 7th.

DEPARTMENT OF SOCIAL ECONOMY.

9.30, A. M., An Address by the Chairman, F. B. SANBORN, ESQ.

10, A. M., A Paper on *The Race Problem in the United States*, by Prof. CHARLES A. GARDINER, of Hamilton, N. Y., followed by a Debate.

11.30, A. M., A Paper by Mrs. S. K. BOLTON, of Cleveland, Ohio, on *Employers and Employed.*

3, P. M., A Meeting of the National Prison Association for re-organization.

4, P. M., A Paper on *Child Helping as a Means of Preventing Crime in the City of New York*, by CHARLES L. BRACE, ESQ., of New York.

On several days during the session the audience was addressed by PROTAP CHUNDER MOZOOMDAR, of Calcutta, India; and on Wednesday afternoon, September 5th, he spoke at a special session on *The Religion of India.*

THE GENERAL MEETING OF 1884.

This will take place as usual at Saratoga, N. Y., September, 1884, opening in Putnam Hall, on Monday Evening, September 8, with an Address by President EATON, and closing on Friday, September 12. The sessions of the Education Department will occur on Tuesday, those of the Health and Finance Departments on Wednesday, of the Jurisprudence Department on Thursday, and of the Department of Social Economy on Friday. The headquarters of the Association will be at the *United States Hotel*, where members and guests of the Association will be received at reduced rates.

The order of business at the Saratoga Meeting of 1884 will be as follows,—subject to slight changes and to further announcements of Papers and debates:

Monday Evening, September 8th, Opening Address of the President.

Tuesday, September 9th.

DEPARTMENT OF EDUCATION.

9.30, A. M., Address by the Chairman, Prof. W. T. HARRIS, of Concord, Mass., on *The Study of Greek in American Colleges.*

10, A. M., Report of the Secretary, Mrs. TALBOT, on *The Work of the Year.*

10.30, A. M., A Paper by Prof. RAPHAEL PUMPELLY, of Newport.

11.30, A. M., A Paper on *The Kindergarten as Church Work*, by Mrs. SARAH B. COOPER, of San Francisco.

12.30, P. M., A Paper by Prof. WOODWARD, on *Industrial Education.*

8, P. M., Report of the General Secretary, and Election of Officers.

Wednesday, September 10th.

DEPARTMENT OF HEALTH.

9.30, A. M., Address by the Chairman, Prof. D. A. SARGENT, of Harvard University.

11, A. M., Papers on *Physical Training in Schools and Colleges, with the Results on the Health of the Students.*

DEPARTMENT OF FINANCE.

9.30, A. M., Report of the Secretary, Prof. HENRY C. ADAMS, on

10, A. M., Papers on *Taxation and Currency*, by HORACE WHITE, ESQ., of New York, TALCOTT WILLIAMS, ESQ., of Philadelphia, and others.

8, P. M., Address of the Chairman, CARROLL D. WRIGHT, ESQ., of Boston, on *The Scientific Basis of Tariff Legislation.*

Thursday, September 11th.

DEPARTMENT OF JURISPRUDENCE.

10, A. M., A Paper on *Insurance*, by G. W. SHARP, ESQ., of Baltimore.

11, A. M., A Paper on *The Unification of Laws*, by EUGENE SMITH, ESQ., of New York.

12, M., A Paper on *The True Object of Punishment for Violation of Law*, by CHARLETON T. LEWIS, ESQ., of New York, followed by a Debate, which Rev. F. H. WINES, of Springfield, Ill., will open.

8, P. M., An Address on *The Condition of the Freedmen before the Law*, by GEORGE W. CABLE, ESQ., of Louisiana.

Friday, September 12th.

DEPARTMENT OF SOCIAL ECONOMY.

9.30, A. M., Address by the Chairman, F. B. SANBORN, ESQ., of Concord, Mass.

(Other announcements in this Department are withheld for the present.)

The National Prison Association, which met in 1883, in connection with the Social Science meeting, will hold its annual session for 1884, at Saratoga, commencing Saturday, Sept. 6, at 4, P.M. There will be services in some church at Saratoga, Sunday, Sept. 7, at which the Relation of Christianity to Convicts and Prisons will be considered; and, on Monday, Sept. 8, other questions will be discussed relating to prisons. On Tuesday, Sept. 9, the two Associations will hold a joint meeting to consider Industrial Education in Prisons.

OPENING ADDRESS OF THE PRESIDENT,

PROFESSOR WAYLAND, OF THE YALE LAW SCHOOL.

(Read September 3, 1883.)

The Constitution of the American Social Science Association was adopted in October, 1865. In the address of the Executive Committee, issued in the following month, the nature and purposes of the Association were explained, the division into departments was announced, and several topics naturally belonging to each section were indicated. Among these a prominent place was assigned to "the vexed question of capital punishment."

It is a singular circumstance that, thus far, no paper on this important subject has been presented at any of our meetings. It is not to be inferred, however, that our reticence represents the condition of the public mind. Within the last half century English and American periodicals have contained more than a hundred articles devoted to this topic. It has occupied large space in the columns of our most influential newspapers, religious and secular. It has been discussed in many sessions of many legislatures of our Union. It has again and again received the thoughtful consideration of the English Parliament.

It has been argued on Scriptural grounds, on ethical grounds, on humanitarian grounds. The old-fashioned tory has feared that infidelity lurked behind "the attempt to set aside that great principle which God had laid down, that 'whoso sheddeth man's blood, by man shall his blood be shed.'" * The tender-hearted Quaker has pleaded for the sanctity of human life. The conservative jurist has predicted a carnival of crime if the gallows no longer bore its ghastly burden; the progressive jurist has doubted the deterrent effect of a penalty which is rarely enforced. So wise and experienced a statesman as Earl Russell thought "nothing would be lost to justice, nothing to the preservation of

* Promptly answered by reminding this Biblical interpreter that "the same Scriptural authority to which he referred might also be quoted as an authority against capital punishment, because the first murderer was not put to death." *Debate in House of Commons*, 1881.

innocent life if the punishment of death were altogether abolished"; one of the latest public utterances of so clear-headed and humane a philosopher as John Stuart Mill, was a speech in Parliament against dispensing with the hangman,

It is a very hopeful sign that while little direct effect may have been produced upon legislation by the discussion of this question, the range of profitable debate has been reduced to a comparatively narrow field. It has come to be practically conceded that society has the right to protect life, liberty and property by the adoption of any measures best fitted to secure that end. Crime is a breach of the social compact, a violation of some law enacted for the protection of the individual. The offender must pay the penalty prescribed by law for such violation. No thought of passion, or vengeance, or retribution, or expiation must dictate or shape or color this punishment. The sanguinary instincts of the middle ages no more belong to the criminal jurisprudence of the nineteenth century than do the decrees of that merciless magistrate, Judge Lynch. The sole consideration with which the legislator of today has to deal is the simple inquiry: What kind or degree of punishment will most effectually protect society from the consequences of crime?

In deciding this question, the acknowledged principles of human nature and the teachings of mature experience must alike be taken into account. It must be remembered that while undue leniency brings law into contempt, undue severity prevents the uniform enforcement of law by weakening its hold upon the moral sentiment of the community. The doctrine is at least as old as Beccaria that the certainty of punishment is of much greater value than its severity. Nothing is more conducive to the successful administration of criminal justice than the skilful adaptation of punishment to crime, because nothing tends more directly to establish that intimate connection between guilt, detection and conviction, which is so essential to the good order of society.

It has been well said that the efficacy of any law in a free state depends upon its being in harmony with the spirit of the people. This is only stating, in other words, the sound proposition that when a law does not reflect the popular will it cannot be enforced. When this attitude of the community toward any law is found to be inspired not by momentary excitement, but by settled conviction, the time has arrived for its repeal or its material modification.

This certainly is common sense, and ought always to be the basis of legislative action. In point of fact, however, a statute seems too often to be regarded as a sort of fetich. Even when a dead letter—possibly because it is a dead letter—it receives a certain superstitious reverence. It is worshipped, not for any power which it exerts for good or evil, but because it is what is called "an existing institution." Many legislators appear to imagine that to repeal a statute is to manifest a culpable indifference to the offence which it was designed to punish. They even fear that they may be suspected in some way of making a compromise with crime. For these and similar reasons, "the Maine Law" was suffered to encumber the statute books of some States for years after it had been abundantly proved that convictions under its provisions could not be secured. By and by somebody proposes a practicable, because operative, substitute for the unused enactment, and straightway this inheritance of less enlightened times disappears forever.

Such is conspicuously the recent history of criminal legislation in England. We find the same dreary record of stubborn conservatism ignoring the lessons of experience; of blind adherence to the fallacy that severe penalties are, *per se*, deterrent, from the beginning of the last century, when more than a hundred and fifty offences were punishable with death, down to our own times, when only treason and murder conduct to the gallows. In every instance, the pressure of public opinion has finally effected the reform against the fears of learned jurists and the protests of timid legislators. When it was proposed to abolish the punishment of death for the atrocious crime of stealing to the amount of forty shillings from a dwelling house, Lord Chancellor Eldon gravely declared that such an innovation would leave his property wholly without protection. But here, and in kindred cases, when juries refused to convict, the instinct of self-preservation provided milder and more effectual remedies.

The forces of conservatism—the worshippers of the statute fetich made perhaps their most determined struggle over the proposal to abolish the punishment of death for the crime of forgery. Around this relic of a barbarous code they rallied with the courage of desperation. There is something almost pathetic in the fidelity with which they clung to their ancient and useless weapons, the gravity with which they advanced their often refuted argu-

ments, and the earnestness with which they appealed to fears which experience had shown to be unfounded. Shall the forger go unpunished? Shall we surrender all the safeguards of property? Shall we be in league with the law-breakers?

But while the battle was being sharply fought in Parliament and in print, the stronghold of superstition and unreason was being steadily undermined. Juries continued to acquit and culprits escaped "unwhipped of justice," to renew their depredations upon the unprotected and helpless capitalist. During the ten years preceding 1831, the Bank of England alone lost by forgeries, on an average, more than £40,000 per annum. Now and then, during a period of about a quarter of a century, efforts were made to pacify the public by exempting special classes of forgery from the death penalty, but juries still refused to convict. Fauntleroy, whose confessed forgeries amounted to more than £400,000, executed in November, 1824, was the last man to die under the sentence of an English tribunal for the crime of forgery. Meanwhile, the mercantile classes were naturally alarmed at this condition of affairs. In 1830 the bankers addressed an earnest petition to Parliament, setting forth "that the infliction of capital punishment for forgery encouraged the commission of the crime, because juries refused to convict while the statute affixed this penalty to the offence." And yet it was not until 1837 that forgery of all kinds was made punishable only by imprisonment.

This measure having reconciled public opinion to the administration of justice, juries were content to give to evidence its due weight, and certainty of punishment diminished the number of offenders. Step by step, the same process of reasoning was subsequently brought to bear on other offences, until those living in England in 1861, saw capital punishment abolished for all crimes but treason and murder.

This brief survey of English criminal jurisprudence in comparatively recent times seems to warrant us in coming to the following conclusions:

First—That with the growing intelligence of a free people there arises an increasing aversion to capital punishment.

The *second* conclusion we give in the words of Sydney Smith, whose writings are not more conspicuous for their wit than for their practical wisdom: "The efficient maximum of punishment is not what the legislature chooses to enact, but what the great mass of the people think that maximum ought to be."

Third, — That whenever a penalty is so far out of harmony with public sentiment that, with rare exceptions, juries refuse to enforce it, the time has arrived for its repeal.

This, it will be seen, narrows the discussion of the death penalty in case of murder to the simple question of expediency. By the very nature of the social compact, society is bound to afford the amplest possible protection to human life. Does capital punishment give such protection? It is said that one object in visiting crime with a penalty is to deter others from committing a similar offence. Does capital punishment act as such a deterrent? Does its existence on the statute book tend to strengthen or to weaken public respect for law?

It is not denied that in certain conditions of society, the death penalty may be, and often is, so enforced as both to protect and deter. Murder and horse-stealing, for instance, will, for a time, disappear from the criminal annals of any community when it is known that the sentence of death which follows the searching investigation of a vigilance committee, will be inexorably and speedily carried into execution. Here, as always, it is the certainty of punishment which deters. I was about to say, that this "nearest tree justice," salutary and even necessary as it may be in the mixed and shifting population of a frontier settlement, is not desired in any State of our Union having a permanent constitution and a code of laws; but, I recall the fact that in more than one of our older commonwealths this side of the Mississippi, where capital punishment has not been abolished, murders have been committed with almost absolute impunity for many years with such startling frequency that law-abiding and sober-minded citizens have cried out in the bitterness of anguish, "Oh for a single hour of Judge Lynch!"

Having in view then, in the progress of this discussion, the single consideration of expediency, let us inquire whether in our times and in this country, capital punishment is so enforced as to afford adequate protection to human life; and, secondly, if not so enforced, whether the reasons for its non-enforcement are temporary and accidental, or well considered and probably permanent.

We shall be materially aided in these inquiries by reliable statistics from two States, not second to any in our Union for general intelligence, respect for law and love of social order. I refer to

Massachusetts and Connecticut. It will not be questioned that they are fair specimens of our best civilization, fortunate in possessing competent courts of justice, able lawyers, admirable systems of common school education, and many well-endowed and well-equipped universities of learning. Whatever may be truthfully said of other communities, here the administration of justice is singularly free from political, mercenary, or other corrupting influences. In these States, if anywhere in our broad land, we should expect to find laws in sympathy with the temper of the people. Certainly, we should be surprised to discover an obvious reluctance to punish high crimes with suitable severity, or a manifest disposition to shield the criminal from "the due reward of his deeds." Let us see what the facts are:

Beginning with Massachusetts, we find that during the years from 1860 to 1882, both inclusive (omitting all cases which were not actually passed upon by juries), there were one hundred and seventy trials for murder in the first degree. Twenty-nine persons were convicted of the crime as charged. Twelve of the twenty-nine had their death sentences commuted to imprisonment for life. Sixteen of the seventeen whose sentences were not commuted were hung, and one committed suicide before the day fixed for execution. In twenty-six cases, verdicts of murder in the second degree were rendered.

If there are any who believe that Massachusetts is controlled by a spirit of philanthropy verging somewhat too closely upon fanaticism, we call their attention to a few statistics from the neighboring Commonwealth of Connecticut, a State which no sane man has ever suspected of entertaining sentimental views of crime or its penalty. During the thirty years, from January 1, 1850, to January 1, 1880, ninety-seven persons were tried for murder in the first degree. Thirteen were convicted of murder in the first degree. In six of the cases the sentence was commuted to imprisonment for life. Seven were executed. Forty-two were convicted of murder in the second degree. Seven were acquitted on the sole ground of insanity.

There are instructive statistics from New Haven County, covering the same period of time. As I need not remind such an audience as this, the county seat is the City of New Haven, the home of Yale College and, until recently, one of the capitals of the State. For the thirty years preceding the year 1880, the number of trials

for murder in the first degree was twenty-three. In one case the sentence was commuted to imprisonment for life. Two were hung. Three were acquitted on the sole ground of insanity. Nine were convicted of murder in the second degree.

During the same period, the number of trials for the crime of burglary in the same county, was three hundred. Now bear in mind that a trial for murder is not only not a hasty proceeding, commenced without much preliminary investigation and pressed forward with very little ceremony, but that it usually supposes three previous hearings,—before a coroner's jury, a magistrate, and a grand jury, all for the purpose of ascertaining if there is a probability of guilt, — and, farther, that in the State of Connecticut, the crime of burglary is never brought before a grand jury, but is tried on "information" of the prosecuting attorney for the county, and you will be prepared to appreciate the startling contrast presented by the fact, that out of the three hundred trials for burglary, to which I have alluded, two hundred and seventy-three resulted in convictions. In three cases, the accused were acquitted on the ground of insanity.

In 1852 the State of Rhode Island abolished the death penalty, substituting imprisonment for life. Its most populous county is Providence, of which the county seat is the city of Providence, not exceeded in intelligence by any community in our country; possessing, like New Haven, public schools of unsurpassed excellence, to say nothing of the civilizing and enlightening influences of an ancient university. Turning to the records of this county, we find that during the thirty years next succeeding the date of the abolition of capital punishment, out of twenty-seven trials for murder in the first degree, there were seventeen convictions; considerably more than fifty per cent.

But let us take more concrete illustrations. Three trials for murder in the State of Connecticut within the last twelve years attracted extraordinary attention, not only by reason of the exceptional atrocity of the offences as proved, but also of the astounding character of the verdicts rendered. In each case the killing was by poison administered by somebody, deliberately, systematically, persistently. There was no suggestion of insanity. It was not urged that the deed was done in self-defence, or in the heat of passion or under great provocation. There was no conceivable escape from the conclusion, either that the accused were inno-

cent not only of any criminal intent, but of any homicidal act, or else that they were guilty of murder in the first degree. In two of these cases, the verdict was murder in the second degree, the penalty for which was, as the jury had, of course, been instructed, imprisonment for life. In the third case, a plea of murder in the second degree was accepted by the Court. When, a little later, one of the women — for two of the accused belonged to the gentler sex — confessed to having poisoned eight persons within twenty years, it could not have been a surprise, even to the jury who had saved her from the gallows.

About twelve years ago, in the same State, a man was tried for murder in the first degree under the following circumstances. Having a grudge against a neighbor, the accused armed himself with a shot gun, concealed himself behind a stone wall on the roadside not far from his house, and awaited his opportunity. When, presently, the unsuspecting farmer, seated in his wagon, was driving past the place of ambush, the assassin took careful aim and fired. As the victim fell, an arm pressed upon one of the reins, and the horse obeying the impulse thus unconsciously given, bore his bleeding and dying master into the yard and before the door of his murderer. The result of the trial was a verdict of murder in the second degree. This occurred in a county in which there have been twenty-seven trials for murder within thirty years, and in which the hangman's office has been a sinecure for a century.

Take another case occurring three years earlier, in another county of the same State. A man after several quarrels with his wife, of whom he professed to be jealous, invited her to bathe with him in a shallow stream near their home. Having in a very deliberate manner held her head under water until she was drowned, he secreted her dead body in an adjoining thicket, and subsequently transferred the remains from place to place to diminish the danger of discovery. I believe that when finally arrested, he was engaged in this somewhat unenviable, if not reprehensible occupation. Tried for murder in the first degree, he was convicted of murder in the second degree. It is only fair to add that during the period to which I refer, — from 1850 to 1880 — Connecticut has always been represented in its criminal courts by competent prosecuting officers, abundantly able to cope with the counsel for the defence.

If it be urged that, in the cases to which I have particularly

alluded, and in other cases equally pertinent and significant, which might be cited, courts and juries have availed themselves of a very ancient statute,* peculiar, I believe, to Connecticut, which provides that "no person shall be convicted of any crime punishable by death, without the testimony of, at least, two witnesses, or that which is equivalent thereto," I can only say that the very flimsiness of the pretext strengthens the argument against capital punishment.

If it be true that there are States in which statistics would show a larger proportion of cases in which the death penalty has been inflicted, it is also true that there are States in which the proportion is very much smaller. On the whole, it may well be questioned whether a fairer average could be presented than in the States from which our illustrations have been drawn.

If this conclusion be correct, it seems to follow that the death penalty is not so enforced in our times and in this country, as to afford adequate protection to human life. The only legitimate objects to be accomplished by any form of penalty for the crime of murder are: *First* — To incapacitate the convicted criminal from doing society any further injury; and, *Secondly*, to deter others from following his example.

But, as we have seen, a trial for murder means, with infrequent exceptions, a sentence to imprisonment for life, and imprisonment for life means, according to the most reliable estimates, confinement for from twelve to fourteen years. The medical report of the State prison, at Auburn, N. Y., for fifty years previous to 1868, gives instructive figures on this point. During this period, two hundred and fourteen persons were committed to that prison under life sentences. Of these, thirty-four died from natural causes, eight became insane, two committed suicide, one escaped, and ten were transferred to other prisons; leaving one hundred and fifty-nine to be accounted for. Of these, twenty-nine remained in the prison at the date of the report, and one hundred and thirty-four had been pardoned; their average period of servitude having been six years and six months. It is asserted that in Massachusetts fifty per cent. of life prisoners are pardoned.† Of the fifty-six committed to the Connecticut State prison during the thirty years

* Enacted in 1672.

† Vide "The Nation," No. 403. 1873. But this is no longer so.

from 1850 to 1880 on life sentences for murder or on commutation of sentence, eight died in prison, four were transferred to the State hospital for the insane; leaving forty-four to be accounted for. Of these, thirty-four were pardoned, after an average period of confinement of nine years and two months.

In view of such facts as these, the statement does not seem extravagant, "that imprisonment for life is, to all intents and purposes, an unknown punishment in this country." *And it is very important that we bear in mind that verdicts of murder in the second degree as a substitute for the death penalty, are rendered with a full knowledge of the probable consequences we have described.*

When, therefore, juries are thus resolute in declining to send murderers to the gallows and the pardoning power is thus lavishly exercised, it is difficult to see how society is protecting human life by incapacitating the criminal from repeating his crime.

We have now to consider, in the *second* place, the deterrent effect of the death penalty in the light of such statistics as we have been examining. It may be well to remember at the outset, that not a few thoughtful men who have made crimes and their penalties the subject of special study, have seriously questioned whether there is any appreciable deterrent influence in punishment. For, it is said, if the offence be committed in cold blood, the offender counts upon escaping detection, and if in hot blood, he takes no thought of the future.

However this may be, it is undeniable that any power to deter which punishment may possess, depends entirely upon its being awarded certainly and enforced speedily. Doubt and delay only encourage offenders. If we repeat these axioms to weariness, it is because they are so often overlooked by the advocates of capital punishment. One of the ablest of English jurists asserts* that "no other punishment deters men so effectually from committing crime as the punishment of death," and he seeks to maintain this, in part, as follows: "This is one of those propositions which it is difficult to prove, simply because they are in themselves more obvious than any proof can make them. It is possible to display ingenuity in arguing against it, but that is all. The whole experience of mankind is in the other direction. The threat of instant death is the one to which resort has always been made when there was an absolute necessity for producing some result. Those who

* Sir James Fitz James Stephen, in Frazer's Magazine, 1864.

argue that the punishment of death does not terrify, may be challenged to answer this single question: "Suppose a pistol were levelled at the head of a man proposing to commit murder, and suppose he knew that the death of his victim would immediately be followed by his own, does any one suppose that the murder would be committed?"

Probably not. Most decidedly not, we should say, if we could put ourselves in the place of the supposed assassin. Meanwhile, those who argue that the punishment of death does terrify, may be challenged to answer this single question. Suppose a man, intent on murder, were confidentially informed by a discreet friend, with due apologies for the interruption, that, if he pulled the fatal trigger, or administered the deadly poison, he might be detected; that if he did not escape he would be arrested; that after a probable delay of some months he would be brought to trial; that if he could command the means to employ the Rufus Choate of the period, or, indeed, any other able lawyer, the trial might be indefinitely prolonged; that the chances were considerably better than ten to one against his conviction; and if convicted, quite as good as ten to one against his execution, does any one doubt that the murder would be committed, if the would-be slayer were very much in earnest?

We confess that our jurist's argumentative illustration seems to us somewhat infelicitous in view of the statement, made without contradiction on the floor of the House of Commons during the session of 1881, that "during the twenty years between 1860 and 1881, for other crimes except murder, the number of committals in which there were convictions was seventy-six per cent.; but for murder only forty-nine per cent., of which forty-six per cent. were reprieved." The analogy between this state of things and "the levelled pistol" threatening "immediate" retribution, is not, we submit, sufficiently close to be quite conclusive. That the illustration for us in our own country, in these closing years of the nineteenth century, is ludicrously inapplicable, goes without saying. And why, oh! why, does it remind us of a single sentence in a clever farce written by a fellow countryman of our gifted author? "Poppy seeds, when taken incessantly for several weeks, produce immediate dissolution."

Let us now consider the *second* branch of our general inquiry, viz.: whether the reasons for the non-enforcement of the law pro-

viding capital punishment as the penalty for murder are temporary and accidental or well-considered and probably permanent; and therefore justifying, if not demanding its repeal.

On this point there would seem to be no room for controversy.

It will, we think, be conceded by the vast majority of those who have had occasion to be familiar with proceedings in criminal courts, as well as by our most accomplished penologists, that the difficulty of securing convictions in capital cases arises almost exclusively from reluctance to take human life. In many instances, of which some examples have been given, this feeling has been so strong as to override all evidence, and set at defiance inevitable inferences from undisputed facts.

In 1864 and 1865 the general question which we are examining was considered in England by the Parliamentary Capital Punishment Commission, of which our distinguished visitor, Lord Justice Coleridge, was a leading member. In his testimony before the Commission, Lord Chancellor Cranworth stated as the result of his observation that "juries wished to rid themselves of the responsibility of finding a man guilty of a capital offence," adding by way of illustration the case of a man "who was tried for murder, attended with highway robbery, and acquitted, but was afterwards tried for robbery on precisely the same evidence and convicted." Numerous cases were cited before the Commission by eminent members of the English bar to show that capital punishment often leads to the acquittal of guilty men.

In most cases, however, refusal to convict has been caused by the belief that mistake was possible, and that the consequences of an erroneous verdict might be irreparable. Ex-Attorney-General Train, of Massachusetts, whose professional prominence and extended official experience in criminal courts give great value to his opinions, says that "the danger that the innocent may be executed instead of the guilty, presses upon jurymen with fearful power, so that they will return a verdict of murder in the second degree instead of in the first, where there is the slightest ground for it, and sometimes when there is not, since such a verdict does not involve the possibility of taking the life of the prisoner." And you do not need to be told that the firm attitude of a single juror will as completely foil the efforts of the prosecuting officer as a verdict of acquittal by the entire panel.

It sometimes seems as if the jury and the prisoner's counsel

were joined in a conspiracy to save the accused from the gibbet. And yet, after all, the venerable anecdotes to prove that by circumstantial evidence the innocent have been condemned to die, and the guilty have been screened from punishment; the well-worn stories of convictions procured by perjured testimony, and, where the edge of these familiar weapons is somewhat dulled by proof of the prisoner's confession, the easy suggestion of insanity—these and similar devices, which, perhaps, to a spectator weighing the evidence with impartial mind because having nothing at stake, seem pitiably weak, may fill the anxious twelve with most distressing doubts. Have they not, or at all events, do they not believe that they have the life of a fellow being in their hands?

But for this predisposition to mercy among jurors founded on the fear of making a fatal mistake, murder trials would be reduced to much more moderate dimensions and the ends of justice be more speedily attained. The eclat of cheating the gallows of a victim with so many chances in his favor will usually tempt an able advocate to undertake a capital case and will stimulate him to greater zeal—not always limited to legitimate efforts—than is manifested in any other criminal proceeding where professional activity is not stimulated by a generous fee.

With what follows you are all familiar—the countless pretexts for postponing the trial; the pains taken to secure twelve men having no decided convictions on any subject; the characteristic treatment of the witnesses for the State; and last of all the fervid appeal to the weary, confused jurors to "beware how they usurp the attributes of the Almighty, and allow their fallible inferences from human, and, therefore, imperfect evidence, to send a fellow creature to the scaffold;" and all the rest of it; I dare say some of you know it by heart—from the daily papers. Sometimes it has the ring of true eloquence; sometimes it is the merest rant. But whether it be eloquence or rant, it serves to remind the jury of the sacredness of human life, the danger of being misled to the injury of the accused, and the possibility, however remote, of sacrificing an innocent man.

Over against this, as the point to be carried, the advocate masses his heaviest artillery. Hear him. "Of all penalties, capital punishment alone is irreparable. Property may be restored; reputation may be retrieved; but human life once taken, can never be recalled. Fatal mistakes have been made; will be

made again," etc., etc. True, every word of it; and because true, rarely without its effect upon a jury. Moreover, we think it demonstrable that reluctance to convict on this precise ground is increasing rather than diminishing in our most enlightened communities.

But if, as will occasionally happen, the case is too clear for even a speculative doubt, and a verdict of guilty is returned, the prisoner's counsel need not despair. There remain the various expedients which we have neither space nor time to enumerate; terminating with the petition for pardon or commutation, which almost every body seems willing to sign — all intended to set at naught the deliberate judgment of the jurors, and save the forfeited life of the convict.

Before leaving this branch of the subject, we cannot forbear to quote from remarks made by a veteran* lawyer in the House of Commons, during a debate on a motion for the second reading of the bill to abolish capital punishment, in the session of 1881. "There was a great and growing distrust in the rightfulness of the punishment — at all events in its efficacy — and there was an inherent feeling in the human breast which revolted from the taking of the life even of a murderer. He ventured to say that no punishment should be inflicted which was irreversible if it were discovered that a person had been wrongfully convicted, and the consequences of which could not be removed even in a mitigated form. The efficacy of the punishment consisted in its certainty, not in its severity; and from his own experience he knew that juries were unwilling to convict, because they felt that they were not infallible and might be dooming an innocent man to death. He had been engaged professionally in trials in which convictions for murder ought to have been given and would have been given had it not been for the consequences which would follow. For these reasons he gave his hearty support to the bill, believing that the sentence of death did not act as a deterrent. He thought, therefore, that it would be in the interests of society if the punishment of death were removed from the statute books. They would have justice administered, sentences carried out with greater certainty, and they would have convictions where they did not now obtain them. He looked to the greater certainty of

*Serjeant Simon.

convictions and of the punishment as a surer deterrent than the punishment of hanging."

Another consideration should be by no means overlooked. If capital punishment is to be retained on our statute books and is ever to be enforced, we shall still be confronted with that most embarrassing if not insoluble problem: How shall executions be conducted? Public hanging is now almost universally condemned on account of its brutalizing effect upon the spectators. Secret hanging will never be, and ought never to be, tolerated among a free people. If hanging is within the prison enclosure and representatives of the press are permitted to be present, — and it is difficult to see how they can be excluded, — then every incident, moment by moment, of the last hours of the doomed man, with all the hideous and harrowing details of the final tragedy, will soon be eagerly devoured by millions of readers from Maine to Mexico, with results hardly less demoralizing than those which accompany and follow the public enforcement of the death penalty. For it should be observed — although the gloomy picture hardly needs a more sombre tint — that one consequence of our infrequent hangings is, that the clumsy because unpractised hand, and the troubled because humane heart of the executioner often turns what should be made an impressive spectacle into a scene which excites only disgust, horror and indignation among the beholders.

We are now prepared for the final inquiry: What is proposed as an effectual substitute for the death penalty?

We are well aware that by many the mere proposal will be regarded with extreme disfavor. There are some who hold, with Sir James Fitz James Stephen, that "no other punishment gratifies and justifies in so emphatic a manner the vindictive sentiment, the existence of which is one of the safeguards against crime," and who think, we may presume, that an occasional execution, even an allowance of only one hanging in half a century is very much better than no execution at all.

Others have a vague notion — hardly amounting to an opinion — that the taking of one life illegally can only be properly punished by taking another life judicially; that there is a law regarding that sort of thing, and, somehow taking it for granted that it is carried into effect, on the whole, rather resent any attempt to enlighten their minds on the subject.

Others, still, who, if on a jury in a capital case, would be

among the very first to welcome any offered mode of escape, however illogical or even absurd, from the duty of rendering a verdict of guilty, yet cannot bring themselves to consent to the repeal of a law which has been on the statute books for so many generations; *i. e.*, they are "in favor of the law, but opposed to its enforcement."

Then, of course, there are in every community many thoughtful, intelligent, well-informed men whose deliberate opinions are entitled to great respect, and who think it wiser that the present law should be retained.

But not to prolong the classification of our opponents, all that they or any others can justly demand is that the suggested substitute shall accomplish more effectually the desirable objects sought to be obtained by the existing statute.

Let us see if imprisonment for life will not answer this reasonable requirement. As has already been remarked, the design of the death penalty is two-fold. *First*, to incapacitate the criminal from repeating his crime; and, *Second*, to deter others from committing a like offence. This is all. Restitution is impossible. Reformation, in the brief period between the sentence and the scaffold, is highly improbable.

But, clearly, society at large is as perfectly protected from the violence of a man who is confined in prison for life, as though he were "hung by the neck until dead." Hanging does nothing more than put him out of the way. Does imprisonment for life do less?

But observe; the convicted murderer has forfeited the right to be at large; therefore he is imprisoned for life. He has even forfeited the right to the society of those who have been guilty of crimes, but of lesser degree; therefore his only fellow prisoners should be fellow murderers. If in any given commonwealth, there should not be a sufficient number of life prisoners to warrant the erection of a separate building to confine them, it would only be necessary to add a wing to the main prison—adjoining, yet distinct. A life prisoner should have regular hours of labor, nutritious food, clean and well-ventilated cells, suitable clothing; but no diversions; no relaxations; no communication with the outer world; no correspondence with relatives or friends. In a word, he must be socially dead, as much so as if his body were mouldering in a felon's grave.

Solitary confinement should be reserved for additional punishment—or for violation of prison rules; perhaps permanent solitary confinement for the murder of a keeper or a fellow prisoner. In Rhode Island, where, for other murders, capital punishment is abolished, it is enacted, "that every person who shall commit murder while under sentence of imprisonment for life shall be hung." This statute was probably passed in the belief that juries would always convict under such circumstances, but within five years, in another New England State, a convict, who, while endeavoring to escape, killed his keeper, was convicted of murder in the second degree. And although this was really a case of murder in the first degree, and should have received the highest punishment known to the law, yet it must always be remembered that if there are exceptionally wicked prisoners, there are also brutal keepers, and a long series of exasperating indignities may transform a human being into a wild beast.

Consider now the probable deterrent effect of the suggested substitute for the death penalty. Imprisonment for life under the conditions which have been indicated, is a form of punishment which may well appal the stoutest heart. A man condemned to die, and cherishing a hope, however faint, of a reprieve, may, at the last, when all hope has fled, brace himself by a supreme effort, against the brief agony of the gallows, and meet his fate with fortitude. Indeed, we know that men have done this. But how if he look forward to the certainty of a lifelong seclusion from his fellowmen? There is no room here for mock heroism or bravado. There is no spectacle; there are no spectators. Nothing which the world can give will ever minister to his enjoyment or comfort, or break the sad monotony of his weary days. There will be no tidings from home; he has no home but a cell; no horizon beyond the prison walls. He is, in sober earnest, "a man without a country."

To others, his punishment is a standing menace; a perpetual warning. The lessons taught by the gallows are short lived. The man dies and is forgotten. But the prisoner for life preaches from his lonely cell a daily sermon to deter from crime.

Again, the deterrent influence of this form of penalty will be materially enhanced by the greatly increased certainty of conviction after detection, and of punishment after conviction. From the moment when it is made to appear that a possible mistake is

not irreparable, trials for murder will be deprived of their anomalous and exceptional features. The gallows will no longer cast its dark shadow across the court room. Evidence will be weighed, and inferences drawn, and probabilities balanced, and verdicts rendered, as in other criminal cases. There will be less feverish excitement, fewer angry controversies, diminished attraction for the idle and vicious; in a word, a much more wholesome atmosphere, material as well as moral, for the exercise of calm reflection and deliberate judgment. It would be strange, moreover, if much impassioned not to say lurid eloquence of the Old Bailey variety were not lost to the world. But our life is controlled by compensations, and we should hope to be reconciled, in time, even to this result, in view of the more rapid despatch of criminal business, and, as we firmly believe, the added security to human life.

And now, if the question be asked—and certainly nothing could be more natural than such an inquiry—How can the literal execution of a life sentence be ensured? I answer: By a constitutional provision, making release from confinement impossible, until, before the court in which the prisoner was convicted, it shall be made to appear that he was innocent.

THE PLEASURES OF SOCIAL SCIENCE.

ANNUAL REPORT OF THE GENERAL SECRETARY.

(Read Wednesday, September 5.)

Ladies and Gentlemen, Members of the Association:—

In presenting again my annual report as Secretary, you will permit me as usual, to wander from the dusty track that such documents must follow (at least for a while, or part way), and present to you some of the more general, and, I hope, more agreeable considerations that reconcile us to the formal, laborious and often unpleasing studies with which we pursue our vague and devious aim—social science. This, as we have often had occasion to notice, is not one science, but all sciences in one application,—that is, as they bear upon the welfare of men in their social confederacy. For neither education, nor public health, nor finance, nor jurisprudence, nor social economy would be more than empty terms, if men lived after the fashion in which Homer pictures his Cyclopses as living—every Cyclops for himself and Ulysses catch the hindmost. Indeed Polyphemus may be taken as the type and symbol of mankind who live by themselves and for themselves, — a huge-limbed, silly, brutal and useless creature, with but one eye at the best, and very apt to lose that, whenever men who have learned to combine in society will take the trouble to stop and put it out. Polyphemus was not and never could have been a member of our Association; and it is to repress and instruct such one-eyed leaders of the blind, in modern times, that, among other objects, we have organized such associations. For even now, as the steamship of civilization glides forward on its course, like those Homeric vessels of the Phœacians, which, moved by their own impulse, it must encounter now and then some preposterous giant who hurls at the good ship the heaviest missile he can handle, and if he cannot sink it, can at least raise a formidable wave before us or behind, which for the moment threatens to swamp the ship with all her precious freight. The French Revolution for some years appeared like a furious Polyphemus or poor blind Samson of this kind,—and the crouching forms of Communism and Nihilism dimly seen through the mists of the deep future, seem now as threatening to those who lack confidence in the future of the

human race. It is the province of social science to quiet these alarms and to assure the anxious present that it need not fear any of the giants of the past, however blood-thirsty or rapacious they may look from a distance. The course of civilization can encounter no worse enemies than it has already met and overcome, and if we had so much to fear from these spectres of the future, we should never have been alive at this moment to shudder at them. The race of giants, physical or metaphorical, has no very wide range or long life; while the activity of the human race, and its perpetuity as a whole—no matter how short-lived may be individuals and nations—set at defiance every enemy, however gigantic, that can assail it.

At present (let us confront the truth) the most formidable of these phantom giants, in the estimation of cultivated and comfortable people, is the rule of the Many, where they would fain see the strong and quiet domination of the Few. We are still in the purlieus and twilight ante-chambers of the giant Democracy—that many-headed being whom its enemies call the Mob, and its friends the People—but we are moving forward with the procession, and we shall soon come face to face with him wherever we find ourselves in the world. He has long had a nominal sway in America, and now he puts forth his shadowy but most real hand and disposes at will of certain thrones in Europe; while his power in all parts of our fast growing republic has ceased to be nominal, and is every year manifesting itself more and more. We may say the same of Europe—for where democracy has not yet established itself, as in France and Switzerland,—it is making long strides forward, as in England, Germany, Italy and Spain. In Russia, democracy is still but a name,—but in that name many strange works are done, which redound to the discredit of true democracy here and elsewhere.

Now it is one of the pleasures of social science in America to observe, that the fullest development of our circle of sciences which relate to society, can best be attained and maintained in a democracy,—that is, in a government such as ours should be,—of all, by all, for the good of all. In any other form of government, the practical application of the social sciences meets with obstacles from the inability of the governed mass to respond to the appeals of public health or political economy, or whatever branch of these sciences calls on them for realization in their daily life. Human

beings are so constituted that they must act upon their own impulse, not at the will of others,—and it is in a democracy that this possibility is most constantly realized. Amid the thousands of little democracies which now make up the congregated democratic republic of the United States it is possible to carry out, in each, at some time, and in some of them at all times, the purest principles of social science, so far as they apply to that small community where the trial is made. And when once they have been applied and have shown good results in one of these communities, the contagion of example and success easily carries them forward to similar results elsewhere. This is the law of human civilization, which proceeds by a method of endosmosis, from one part of the world's spiritual structure to another; but it is, no less, the method in which the will of men, not the blind force of natural law, accomplishes the marvellous result. "There are some," says Seneca, "that live without any design at all, and only pass in the world like straw upon a river; they do not go, but they are carried." This is no part of a man, but of a log or a chip,—and we do not, in fact, find many men yielding so to the force of circumstances. Most of us fall under another of Seneca's classifications, "those who deliberate only upon the parts of life, and not upon the whole." Yet are those parts so arranged by a Divine artificer, that our deliberation and our action upon one of them does of necessity influence the whole,—and more frequently in a beneficent than an injurious manner. We are taught that God makes even the wrath of man to praise him,—much more, then, the considerate action of men for others as well as for themselves. But I find in Seneca a much fuller statement of this matter, which you will permit me to cite:—"It is every man's duty to make himself profitable to mankind; if he can, to many; if not, to fewer; if not so neither, to his neighbor; but, however, to himself. There are two republics; a great one, which is human nature; and a less, which is the place where we were born; some serve both at a time, some only the greater, and some only the less; the greater may be served in privacy, solitude, contemplation, and perchance that way better than any other; but it was the intent of Nature that we should serve both. A good man may serve the public, his friend, and himself in any station; if he be not for the sword, let him take the gown; if the bar does not agree with him, let him try the pulpit; if he be silenced abroad, let him give counsel at home, and dis-

charge the part of a faithful friend and a temperate companion. When one is no longer a citizen, he is a man; but the whole world is his country, and human nature never wants matter to work upon; but if nothing will serve a man in the *civil government* unless he be *prime minister*, or in the *field* but to *command in chief*, it is his own fault. The common soldier, where he cannot use his hands, fights with his looks, his example, his encouragement, his voice, and stands his ground even when he has lost his hands, and does service too with his very clamor; so that in any condition whatsoever, he still discharges the duty of a good patriot. Was there ever any state so desperate as that of Athens under the Thirty Tyrants, where it was capital to be honest, and the senate-house was turned into a college of hangmen? Never was any government so wretched and so hopeless; and yet Socrates at the same time preached *temperance* to the *tyrants*, and courage to the rest, and afterward died an eminent example of faith and resolution, and a sacrifice for the common good."

If Socrates under the rule of the Thirty Tyrants, and Seneca in the infamous reign of Nero, could point out to men a sphere for the daily performance of their political and social duties, can there be any crisis of events in a modern democracy which ought to appal the student of social science? The selfish interests of one tyrant or of thirty tyrants, not only may be, but almost certainly will be at variance with the public good,—but how can the interests of all men be thus at variance? You will say, perhaps, that the multitude do not always know their own interest, and that they easily permit themselves to be led into unwise or dishonorable courses by selfish demagogues—and that a demagogue is the worst of tyrants, because the least responsible. But observe how short is the sway of the most plausible demagogue, unless he makes his ambition conform to the popular will, and himself serves the supposed interest of the people, who cannot long be mistaken in what their interests consists. Again, you may say that the honor of a people is more to be consulted than their material and temporary good,—and that their interest may lead them to do, at the advice of a demagogue, what will ultimately disgrace and injure them; for example, to repudiate debts, disown the obligation of treaties, dismiss faithful officers from the government service, etc. This cannot be denied,—but it can be asserted confidently that the monarchies and aristocracies of the past have violated every pledge of this kind in a manner

quite as discreditable as it is possible for any democracy of the future to do. Witness for example, the outrageous disregard of treaty obligations and financial honesty which the last century witnessed at the hands of Louis XV. of France, Frederick of Prussia, and Catherine of Russia, to say nothing of the conduct of Napoleon, of the British ministry, of the Russian czars and of Prince Bismarck, in the present century. Nay, it may be maintained that every new infusion of popular influence in national governments has tended to a stricter observation of pecuniary fidelity and treaty obligations by those governments; and the history of the United States in this respect may be favorably contrasted with that of any European or Asiatic monarchy, or any oligarchy of ancient or modern times.

But, finally you may say that a democracy is itself, too often, the mere name for a tyranny or oligarchy, and that these are all the worse for being short and easily changed; that designing and ambitious men make use of the forms of popular government to screen their own personal power; that they maintain themselves in office by appointing their own dependents to subordinate places, who, in turn, allow the public money to be squandered on contractors and in useless expenditure, thus strengthening themselves by corruption; and that this very evil has been, and is the worst and least curable form of misgovernment in the United States, particularly in great cities; that it is now flagrant, increasing, and of itself enough to make democracy intolerable to all men of property and good morals. Nor can I absolutely deny these allegations, which have too much foundation in the recent experience of our country,—not only in the great cities of the North, but in some of the State governments both North and South; and I can conceive no worse foe to the people and to popular government than one of these political "bosses," as the phase now goes,—who have no better object in view than their own continuance in power, and who combine in their brief domination the worst abuses of royal and of aristocratic government. But I deny that these "bosses" are the legitimate outgrowth of Democracy,—they are the offspring, rather, of that obvious inequality which democracy must, in part, remove, before it can take full effect. They find their best field either in cities where the influx of poor men from Europe and the increase of wealth by gigantic trade, widen the gulf between rich and poor to an extent unknown in the rural portions of the United States,— or else in regions like the former

slave States, where the habits induced by slavery have not yet been outgrown, although the former slave population has risen to a degree of independence that would hardly have been deemed possible twenty years ago. As these inequalities between rich and poor diminish, and the great middle class, which is always conservative, grows stronger and wiser, the rule of the "boss" will pass away, or will lose half its evil influence.

Here again, we may be told that inequality, in a country like ours, cannot diminish, but must go on creating sharper and sharper distinctions, as national wealth and national population go on adding up their half-fabulous columns in this fast-developing country of ours. In a certain sense this is true. The Goulds and Vanderbilts on one side, and the tramps and vagrants on the other, will be farther and farther apart in their material success, as one class is adding million to million, while the other class remains at its old level of beggary. And at certain times this tramp class will find its ranks strongly recruited, and may become, as it was a few years since, in the railroad riots, an occasional and temporary danger of formidable proportions. But this class is smaller in a democracy than under any other form of government; while the other class, of millionaires, is larger in a democracy than elsewhere. But neither extreme of the social scale has, in fact, much to do with shaping the fortunes or forming the habits of the great mass of our people. These men of the middling interest are neither tramps nor millionaires,—but a new class, in a new world, of which they form one of the indispensable elements, — I might say the only element truly indispensable. It is they who have made Democracy possible; it is Democracy that has made them possible. And it is in this great, middle class, enduring neither poverty nor wealth (in the modern sense of wealth by the million), that social science must find its truest votaries, its best examples.

It was remarked at our general meeting of 1876, while we spoke of the birth of this republic one hundred years before, that the foundation and maintenance of the United States was the greatest victory of social science in the century that witnessed it. In the spread of our free people over the vast area of our national domain, no single instrumentality has been more potent than the railroad, which alone has rendered possible the extension of our population into regions long deemed uninhabitable, and almost inaccessible. As we look around us here and miss from our

assembly so many of our members, it is proper to remind ourselves that a company of them, under the guidance of a Director and former Secretary of this Association (Mr. Henry Villard) are at this moment crossing the wheat-fields of Dakota along the line of that new route to the Northern Pacific, which is this week to be opened from end to end — from Oregon to Maine — for the commerce of the world to follow as it seeks new channels, and markets before unknown.

Science, whether physical or social, has not yet succeeded in putting us in two places at once, and so our brethren who are journeying with Mr. Villard cannot be both there and here. But in traversing and describing those immense tracts of country, now first opening to civilization, and in connecting with each other by new chains of commercial advantage the sundered continents, they are working, like us, in the cause of social science; which not only considers man in society with his kind, but seeks to bring him more and more out of his separate or tribal or national existence, into the great circle of the world's life.

We have with us as a guest of this meeting the representative of a nation teeming with people and gray with antiquity—the empire of India—which is now pressing forward with its hundreds of millions, to enter the contest of industry, commerce, learning,—in a word, of civilization, along with the newer nationalities of America and Europe. When Alexander of Macedon, in his conquest of the oriental world, came to the river Indus, he found in that vast peninsula millions upon millions, with a philosophy, a religion, and a civilization of their own, whom he deemed it best for his own reputation to leave unmolested in their mountains and on their plains. But what Alexander failed to conquer, the shopkeepers of England found means to subdue, a hundred years ago, —Clive and Cornwallis and the magnificent tyranny of Warren Hastings accomplishing the task which had proved too great for Perdiccas and Seleucus, and Demetrius the taker of cities. And when this land of India was opened to western research, how rich was the treasury of ancient wisdom found therein! The knowledge of Sanscrit and of the other ancient languages of the East has unfolded to us a new chart of the world's history, and established the pedigree of races,—to say nothing of the contents of those rich literatures, only a tithe of which has yet been made known to us. And may it not be that India, with its population of two or

three hundred millions, occupying a country almost as large as our own, and stretching like ours through many degrees of latitude, will regain a position of importance among the civilized nations, when social science shall have done for her people what has been done for the occidental races whose cradle was in the Himalayan valleys? It is for our friend from India to tell us how this may be done, and we shall hear him gladly. I observe that the British residents of his country are looking towards us with a mixture of admiration and aversion, as rivals in trade, but acquainted with the arts that quickest develop the natural greatness of a country. One of these British residents, in a pamphlet published in Calcutta this year, says: "America is fortunate in that the ultimate decision on any large question of policy rests generally with self-made men in the full tide of their career, whose struggles in life are daily teaching them exactly what the country requires, in order that they and it may get on together. This obviously secures more progress," he adds, "than where affairs are dealt with by retired officials, whose careers are practically over, and whose experience of the country, while India was asleep in her cradle, is almost worse than useless, now that the young giantess has awoke, longing to stretch her limbs, and eager to pry into and to take an active part in the busy world around her."

No one in America need lack an opportunity to take an active part in our busy world. We complain rather, that we have too much activity and too little thought,—that everything here is done hastily, and then speedily undone; and that we move forward too fast to understand completely the part we are taking in the work of the age. It may be so,—but if we act our part well, care will be taken by a higher power that it shall have its due result, whether we take note of it or not.

> For, be it less or more or soon or slow,
> It shall be still in strictest measure even
> To that same lot, however mean or high,
> Toward which time leads us and the will of heaven;
> All is, if we have grace to use it so,
> As ever in our great taskmaster's eye.

It was in this spirit that those members of our Association whom we have lost in the years past,—Jewell, Delafield, Atwater, Warren, and others of less public note,—addressed themselves to the tasks of American life; conscious that the result of earnest effort in a democracy is never thrown away, though in the broad expanse

of national activity, as in the heaving waves of the sea, a single billow is soon lost from sight. For it is the felicity of a true nation, and signally of a democratic nation, that its individuals are, as the poet says,—

Distinct like the billows, yet one like the sea.

They have their range of influence, more or less extensive, according to their opportunities, within which their personal aetivity is exercised, and they have also that influence which they exert as members of the great body of the people. Between these two spheres of influence is that which they exert as members of this Association, which we do not always value at its just rate, because we do not see those immediate fruits of its modest efforts which can be shown by a politieal agitation, or a philanthropic movement. But, in course of the eighteen years that we have been at work, in our way, we have not only coöperated in many good things, for example, in the now triumphant civil-serviee reform, of which Dr. Gregory will speak to us to-morrow—but have alone effected some things. It was from this Association, and by its fostering care, that the National Conference of Charities, whieh is to assemble three weeks hence in Louisville, for its tenth yearly session, grew up to be what it now is,—the recognized centre of charitable work, both theoretieal and practical, in the United States. We have now undertaken another work, in which other societies will be more powerful than this, but in whieh we can do something,—the promotion by the national government of common school education in the separate States,—a measure of extreme moment to the good government and prosperity of the whole country. We are assured that our slight contribution of last year to the discussion of the question did its full share in advancing the measure then before Congress; and we hope this year, with morc systematic endeavors, to secure praetical legislation for this purposc.

You have already heard one-half of the papers which have been prepared for the present General Meeting, and can judge onee morc, as in former years, how unbounded is the field our Association may occupy, when it shall act up to the limit of its possibilities. For it is the greatest of all the pleasures of social science, that its pursuits arc endless, and that when the most has been done that we can do, there still remains an infinite amount to be done. I call this the greatest of attractions, and not, as some may hold, the greatest discouragement; since it is the nature of man to seek

action rather than repose, and, our own existence being endless, whether as individuals or as mankind, it behooves us to find sufficient occupation during that eternity. There was a hymn sung in my childhood, concerning the joys of heaven, one verse of which ran thus:—

> When we've been there ten thousand years,
> Bright-shining as the sun,
> We've no less days to sing God's praise,
> Than when we first begun.

In these artless lines the occupation of immortality was naively said to be the singing of praises to the Creator; but what more acceptable praises to him than our fulfilment of his laws and purposes upon earth? which we conceive the applications of social science to be. Nevertheless, there is always room for difference of opinion concerning every such application, though we may be agreed upon its principles; and there is no surer way yet discovered for promoting truth than by serious and free discussion. We therefore esteem it a chief function of this Association to promote such discussion, upon topics which themselves are important, and to bring forward into prominence topics that might otherwise be little considered. Our papers of this year will accordingly display the same mixture of theory and practice—inseparable from the consideration of social subjects—which has been remarked on in previous years. At the close of the sessions on Friday, we give place to a kindred society, the National Prison Association, which, after some years of inactivity, proposes to reorganize, under our auspices, for greater service hereafter. Our final debates, therefore, will turn upon that useful branch of social science—the prevention and punishment of crime—which our President opened for us in his able address on the special punishment for the highest crimes.

It will not be complained that our papers lack variety, nor that they are, to any great extent, a repetition of those read here in former years, although there must be a return in each year to some of the great questions that are of constant interest from their bearing on our daily life. Such were those papers to which we have listened to-day, on sanitary subjects and on mental diseases; dealing as they did with questions of vital consequence to the comfort, if not to the existence of society. For all these papers, as now heard, or as hereafter to be published, we bespeak the careful attention which their interest demands.

PAPERS ON HEALTH AND EDUCATION.

I. HEALTH AND SOCIAL SCIENCE.

AN ADDRESS BY EZRA M. HUNT, M. D., OF TRENTON, N. J., CHAIRMAN OF THE DEPARTMENT OF HEALTH.

(Read September 5, 1883.)

Health is a great word, and describes a great thing. It was not by accident that in the Anglo-Saxon tongue it is the mother word of a score or more that are used to express the most bountiful and useful of all benefits. Wealth, well, well-done, welfare, hale, whole, wholesome, wholeness, holy, have this as their root, and are but specimens of the fulness of meaning which was felt to be conveyed thereby. The saving health among all nations was the climax with which the English translator sought to convey the Hebrew idea of a completed salvation.

When Franklin said: "Public health is public wealth," and when the latter word in *commonwealth* was made to stand for the weal of all society, there was a union of terms which are allied in thought not less than in language.

It is not merely that our highest conceptions of blessing must be expressed by physical conditions or by our highest estimation of some physical benefit. Before mankind began to analyze the fulness of one's self, it really included the intellectual, the spiritual, the social. It meant such harmonious adjustment and relation as did not necessitate a division into members and parts, or a deeper dissection between that which we now call material, mental and spiritual.

It applied that very word wholeness, or complete soundness to express them all, and made *it* a perfect synonym for all that manliness and womanliness mean in appearance, speech and behavior.

And so health stands to-day, whether we will or not, as a great generic thing, which means more than the world has yet begun to feel. However ready the assent to its value may be, it is too often without adequate appreciation or comprehension of what it means for society. The word was meant to indicate the adjustment of

every part of one's self to every other part of one's self, and of the universe, so that the long and true enjoyment of this welfare and wellness should last as long as life lasted.

To the individual, and not less to men and women in their associate capacity, it is the greatest inheritance. Old age, itself, has as one of its honors, the fact that it is a kind of testimony that health has been the property of ancestry, and a partial pledge that the gift is now handed down unimpaired to the coming generation. Since that is the only hope of perpetuity to the State, it is more than personal, filial or parental; it is patriotic.

If we were only after material resources, we could claim health as the greatest capital of the world. Pour out the gold from the mines, cover the seas and the rivers with ships and steamers, let the land wave its plumage of grasses and its thousands of miles of wheat fields. What are these as wealth, as material prosperity, unless there is power in the race, — power that must be physical if it shall be intellectual, moral and social?

It is high time that social and political science put a worthy and more deliberate estimate upon the material value of hygienic science and art.

How we glow into enthusiasm over the great forces of Nature as they are subjected to the uses of the world and made to work in engines and batteries for the productive energies of progress.

How we exult over the untold wealth of mines, over the richness of boundless prairies, and all the largess which mountain and valley, shore and sea, are pouring into the lap of Columbia's renown.

But what are all these, even as an estimate of material wealth, in compare with the question. What is the yield of men, women, and children which American civilization is furnishing? What are the physical forces resident in the aggregate population of the United States?

Orators may well point you to all the triumphs of machinery and art, to what this age has wrought out of the metals, and how iron has become the tough elastic which spans the bays, and with its fairy cords entwines the brows of island cities; but, behind all other forces, aye, more than yet is told behind the exerted moral and intellectual forces of the world, is the physical force of hearty, wholesome life — itself moral and reaching out to the Divine — when the exquisite adjustment which God himself has designed

between man, the masterpiece, and the rest of Nature, is thoroughly appreciated and maintained.

Here is the wealth of the country. When we are looking for the "physical apparatus of civilization," we must not overlook the people. The people, — this is the strength, this is the power.

I do not need to follow on to show how this physical vigor and its sustenance are indispensable to strength, success and perpetuity. All history tells us of physical degradation as the forerunner of national collapse. "Rome," says the historian, "perished for the want of men." The Statesmen, the Publicist, the Social Economist, the Moralist, the Christian Patriot, must look to the physical stamina of the woman and the man, not as always tall or always broad, but always, whether nightingale or eagle, in adjustment with its own parts and with its surroundings. We may, without damage, change a little the versification of Sir Wm. Jones, and say:

"What constitutes a State?
Not cities proud, with spires and turrets crowned;
Not bays, the ocean's gate,
Not broad expanse, with harvest-covered ground.
Not mines, richer than courts,
Not all the treasures of the earth and sea,
Not far renowned resorts,
Where tent and mansion tell of Liberty;
But men, high minded men,
With powers of thought, and fitted to endure,
Men who on toil depend,
And girt about with strength can dwell secure."

Would that this idea of the value of life and health in the population could take fast hold of our American people. Disease, or invalidity in some of its forms, is the background of illiteracy, of pauperism, of crime, of race degeneracy, in many ways to a degree not recognized. As ill health is largely preventable, a radical way of dealing with the distempers of social life is to prevent this, one of the most common and preventable causes or occasions of it.

An English traveller, a year or so since, on being asked what seemed to him the great lack of America, somewhat startled us by replying "*population.*" We are so used to vaunt ourselves over our great growth that we forget what impression a man from the British Isles, or the crowded lands of the Old World gets, as he sees in the New England, the Middle, the Western, or the Southern

States, large spaces, — counties, indeed, some of them larger than States, — without 200 people in them, and then beholds the vast stretches of the West still untenanted and well-nigh unknown.

It is human beings carrying with them human health, that are wanted more than all the resources of earth, air or sea. And while we welcome all that is good and stalwart from the Old World, we need far more that sturdy growth on this side the waters which cannot be secured by importation, and which can be supplemented in the long run far less than most imagine. Pity be to the nation whose numbers are not replenished from within itself, but that trusts to importation for its whole supply.

The generations born upon the soil, must, to a degree not yet realized, be the trust and expectancy of American perpetuity. The land that will not support and sustain the health of its native born, cannot survive other forces which will limit the powers of foreign supply and make the government itself to be not only foreign, but mongrel, transient, and without a positive individuality of its own.

Put then, if you please, high material, commercial and national value on health, on native health, on the means of securing it to the children of foreign and native parents born on our soil, and thus claim health for prosperity and patriotism as well as for personal comfort.

Nor was there ever a time in history when health had such risks and so much needed social science to deal with as a factor.

It is often dealt with in an æsthetic way. It is such a ruddy and beautiful thing to exhibit and to talk about. Nay, more, it is patronized. Great sympathizers and administrators pat it on the head as a philanthropy. When a man goes a little further than this and seeks to show in it the reign of law, to speak of it as an appreciable acquisition, to propose methods that shall be anticipative in their field of operation and prevent disease, or to show science and art as pledged to it in advance, there are not wanting those who begin to call the devotee an expert or a specialist, suggesting many good things collateral to a profession and worthy of thought if time permit. Let us know that health has no such place. Sanitary science in its prevision does not build an annex to other temples. If it is anything it is a corner-stone. It is fundamental rather than ornamental. It is not made up of a few contributed pieces for a mosaic, but is integral to the very essence

of progress and to all that sociology means. It boldly comes forward as a chief necessity and says that, if we would improve society, we must improve health.

Death, as we see it in the world, is to be taken hold of as a misdemeanor. We do not object to the one horse shay, nor to the natural transfer to the other sphere in which Christians meet; but death as it wars with life on this planet, is an outrage upon the common decencies of humanity. It, and sickness to the degree that they obtain, can not be laid over to an extra-mundane spirit of evil, and much less to the account of Him of the *breach* of whose just and generous laws it is only a signal. The preventive art is each day showing that it comes into action not too soon among the disturbing *social* forces which are to be caught and tamed, and over which man has been put in control long before he was put in charge of steam or lightning, but which he has not regarded as conspicuous enough to be manipulated as more brilliant forces are.

So the problem is becoming more and more complicated. Civilization, while it means more possibilities of grandeur and effect than could be meant under any old *régime*, though it were that of a Roman Empire, also means that to degrade, to devitalize, to denationalize, was never a greater possibility than now.

It is one of the advancements of the age. The tendency to quick and rapid aggregation in cities—in cities built as modern cities are by men and women who work, wear and tear, think and travel to and fro as the populace does nowadays, is terrible. There is no ancient counterpart. Life has more risks than ever before. As it is more artificial, more gregarious, more packed, the compensations and adjustments cannot be trusted to any natural laws.

The laws of trade, the relation of machinery to capital and labor, the remarkable massing of operatives of all classes in cities, so that more than one-fifth of the population of the United States now lives in cities, lead one to say, "Whatever will tend to purify great cities effectually, will be an incalculably important blessing to the world at large; for the tendency of population to mass itself in cities is a phenomenon of all advanced modern nations."

Country-town manufactories are less and less established, deciding the fact that we are to take care of a population crowded out of propriety, and of kinds of population for which there must not only be forethought but foreact. The tendency of all such

massing is to neglect all little things, except such as are directly a part of the vocation followed.

Only thus can you account for what the people of towns and cities will put up with in the direct breach of the clear demands of physical life, and at length come not only to endure, but to resist change as an innovation. Of how far this neglect can go in our older cities we have had many instances. Nor is it less true that younger cities have sprung up, not as far west as Leadville, in which life is not so much imperilled by the bullet, but is, nevertheless, constantly under depreciating, enervating influences.

Nor is this because there is no mastering of the problem. How to choose a proper locality, how to drain land, how to build a healthy house, how to feed, air and clothe the inmates, how to remove all *dèbris* beyond the reach of those who cannot appropriate it with the same advantage as can the grasses and the grains, these are known as definitely as most facts in science and most of the experiences of applied art. Yet the threatening fact remains that the breach of sanitary law is constant, is progressive, and that social economy ought to attack it with all the vehemence and decision with which such a heroic principle would lay siege at the gate of a city whose name is Destruction. Here and there we have grand intimations that the thing can be done. Glasgow, with some serious disadvantages has realized the problem and has grappled with it grandly, so that with all its poor, its toiling labor, its concentrated industries and idlenesses, it meets the issues and can point to work and to results that prove there are adjustments and coöperations that can make parts of the city and theoretically the whole of a city healthy.

New Orleans, though it has been the very home of pestilences, has had an auxiliary sanitary association in which merchants and physicians and jurists and clergymen joined hands and have done marvellous things in reducing the sick rate and adding to sound comfort. Take a single instance. In 1879, the Auxiliary Association of New Orleans placed a powerful pump on the levee in front of the infected district, which encircled with fresh water from the river the entire rectangle of three by five squares, to which area the fever was successfully confined. Dr. White at once instituted a systematic house-to-house inspection followed by re-inspection.

The fever did not cross that boundary line. It was a *cordon sanitaire* better than a shot-gun quarantine.

Social science must begin its work in this behalf with household life. The house and one family are the sanitary unit, and the domicile the great care of sanitary administration. This is at once the hope and the discouragement; the hope, because if the parts can be made right, the whole is sure to follow; the discouragement because house-building or the construction and appointment of a home as a place favorable to the full physical scope of life is so foreign to the thought of most men as a primal design in this age. The housekeeping, "the practical knowledge of which," says Richardson, "is the principal glory of a woman," is lightly esteemed in urban life.

So long as homes are at the mercy of the architect, the contractor, the plumber, and the keeping is controlled in the interests of the servants, the boarders and the guests, so long shall we have a section left out of the back-bone of our American civilization, and our refinement will put up with a great deal of noxious stuff and consequent invalidity. Add to this the giving over of questions of the most important character as to sanitary construction to a control too political to be either economical or orderly, and we have complications, the first relief from which must come from their realization.

The practical art, as well as the great science of hygiene, takes a good turn when it resolves to address itself to the relief of these conditions, when it attempts to infuse into society the idea of homes, to give them separateness even when in the same building, to insist that they be healthful in the sense in which the best art and experience define them as capable of being, and then seeks by administration to secure their *keeping* in a sanitary way. As there is lack here—lack of knowledge, lack of training, sometimes lack of will, we are compelled to supplement. It is for this reason that the inspector of buildings and the health inspector, not to name others, become necessities, and should be sustained on a basis of civil service reform and as a social necessity. This means that these services should be appreciated, that officers who can pass examination as to competency, and have the tact and behavior which are requisite should be chosen, and thus a sustained foundation for intelligent oversight and aid be secured.

For all this effort at improving the condition of society by looking after the welfare of households, there are great encouragements not to be overlooked. One who attempts today to glean in

this harvest finds an area of ascertained truth broad enough for any intellectual vision, and a positive enunciation of principles and rules as definite as those of any of the applied arts.

Healthy houses, and how to make them, how to adjust life within them, how to feed, clothe, ventilate and exercise, are not the enigmas that some would lead us to believe.

Balances to the crowding life, appliances good for cleanliness, conveniences for physical vigor, capacity for the adjusting of ourselves to our surroundings, or of the surroundings to ourselves, multiply and meet the objects sought, if only the skill that can adapt is recognized and employed. The science of right living is known better than the art is practiced. Laboratory men, engineers and physicians, have done better than they are credited with. The trouble is that the average intelligence of the people or popular knowledge has not kept pace with the provision of students and scholars on these lines, and that *skilled labor*, because of the absence of industrial schools or some form of apprentice drill, is not always easy to command. There is far more lack, too, in our ability to conduct sanitary practice in an administrative way, because of embarrassments already referred to, than there is in knowing how to accomplish what we wish, if only we could be allowed to do it on the merits of the thing attempted.

The fact is, life, with all our talk about it, has not a very high value on this American continent. We know a grand jury that, to the horror of a just judge, hesitated to present a man who was well proven to have disposed of an infant of a few hours, because it was very young and he had many children. We know of another man who complained of his medical attendant as to his bill, and when he said, My charge is low enough for that of a cattle doctor, said "it ought to be lower; for my cattle have a money value but my children have not"; and this in the face of the fact that Massachusetts statistics show that in New England most families aid more than they cost, in the support of the household, before the age of twenty-one.

Not long since I overheard one of two little girls of not over nine, on their way to Sunday-school, say: "Do you know Mrs. Boice's baby is dead." "Well, it is a good thing," said the other, "for when Mrs. Jones lost her twins I heard somebody say that she and the children were both better off." There is somehow a not always concealed feeling that the slaughter of the innocents

is one of the feasible limitations of population, even though it comes through watered milk, stale food, reeking tenements and ill care. Men moralize over these survivals of the fittest, and limitations of life, as if the Infinite Father had something to do in a conservative way with the breaches of his holy, just and beneficent laws. It seems to me we feel thus the more because, forsooth, emigration will make up the deficiency. All this is as bad in philosophy and in national thrift as it is in morality; not only because the same causes which kill these enfeeble the living and bleach out heredity, but because all that hygiene and sanitary science mean and all they can do to prevent disease and to appreciate life, are essential to any real progress in the objects which such an association as this represents. We cannot leave out of consideration the health care of population in all that it requires, as to legal enactment, as to statistics, as to the profoundest impression of its inexorable necessity on the popular mind, without leaving out one of the great arches on which we seek to build as upon sure foundations that superstructure of continuous life which we call a nation.

Next to household care, I am sure you will place the care of young life in its process of educational training. As sanitary instruction to adults is so often directly at war with habits already formed, and with prejudices imbibed, there is no very great expectancy of radical improvement in the *personnel* of the full-grown population. To instruct adults in anything physical so as to affect their habits is a difficult task. The chief hope in educating an adult is not in the change of his habits, but in impressing his judgment and opinions so that by precept, if not by example, he will inform the rising generation.

For these and many other reasons a large part of sanitary effort should be directed to those who are yet in young life.

It is because of this that instruction in physical life, as related to and modified by surroundings, should take its place as an important study. We do not mean that patronage by which the teacher in every department speaks prettily and well of hygiene, or which leads the higher schools and colleges now and then to invite somebody to give a lecture on the subject. It is training, drill, education, recitation that are needed. It must be as accurate and as precise, and in as skilled hands, as teaching in grammar or in arithmetic. Just as there are many who know these, who are

not fitted to teach them, so a general knowledge of physiology and hygiene does not prepare for the drill that is required.

We never recur to the enthusiasm with which Frœbel, Horace Mann, the elder Seguin and Canon Kingsley insist upon the rôle which physical education must bear in a system of education, without a feeling of some mortification that so many teachers are unconsciously making for it such a narrow sphere. It is divided up and assigned in the most accommodating way among those who, if others attempted to fill *their* special departments with similar agility of preparation, would be loud in their cry of superficiality and incompetency.

It is not even physiology that is needed half so much as teaching in hygiene which shall direct as to the uses of the senses and the limitations of their use, the law of muscular activity, the relations of food and force, the sources of disease, the dangers that beset life in country and in city, the disabilities which are to be provided for and guarded against, the laws of heat, of ventilation, of the flow of air and of fluids, of the changes of organic matter, of scores of items that come distinctly into the body of doctrine and duty which constitutes hygiene. One or two colleges in all the land have given this distinct recognition to the subject; but our systems of public education are far behind in this respect.

The truth is, that, with all our congratulatory talk about the public school systems of our States and cities, they are among the most inflexible of all institutions. Fostered by the public money, and easily glossed over by the fact that the popularity of the cry for popular education serves to screen from close espionage fossilized boards of education and routine instructors, it is practically very difficult to give to teaching in political science and economy, in social science, in physical education, and in industrial arts such recognition as the present wants of society demand. Little annexes are arranged to meet local clamor, therefore, with the thought that it is temporary enthusiasm which will soon die out, and the felt, though not uttered, resolve is, that the old curriculum is perfect enough, and that innovation is not to be tolerated.

It may as well be borne in mind that the public school systems of Prussia, of Holland, perhaps of Sweden, are in advance of ours, and that England is pressing us very closely. Until the public demand in these matters takes the shape of a legislation so definite as to define or provide for the methodical training in such branches,

we have little hope of more than talking, lecturing and patronizing, which do not amount to disciplining or drilling, and so are incompetent to secure bodily vigor. But physical vigor "so far underlies soundness and sufficiency of mental culture, that hygiene will yet be recognized as a fundamental element of common school education."

Next, there is need of an enlargement of vision as to the scope of the subjects included in hygiene.

It is always the case that any science or art, which is regarded as so simple as only to need a few weeks of reading in order to secure teaching ability therein, gives the impression of narrowness.

To too many all sanitation is but the announcement of a set of rules and suggestions as to a few common things in the conduct of human life. So far from this, it has a breadth of meaning, a wealth of material, and an extent of acquirement which fully certify it both as a separate science and a practicalized art. Some other sciences have come quite to realize this, because of the gifts and offerings which they have contributed, and the necessity that these have realized for a special class of students who should grasp and appropriate what is offered, and fit it more precisely to human needs. In this way chemistry, histology, botany, zoölogy, mechanics, natural philosophy, psychology, and various other departments have advanced with their offerings, and not a little has been done by the votaries of these to suggest or to adapt them to the demands of human life and welfare.

The laws of life, their *modus operandi*, the laws governing animate and inanimate life as related to human life, the relations of all organic matter, the modes of its discord or adjustment, and many other subjects are found of essential interest and bearing.

Biology, in the fulness of its meaning, has to be studied exhaustively, if for nothing else, because of its bearing on human life. Every phase and step of existence must be closely defined, so that, alongside of it, we may study all influences that are operative thereupon. Thus the outline of the study is very inclusive, and cannot be dispensed with. In the single department of etiology, or the causation of disease, it is marvellous what developments we are having, and how they are already utilized in the limitation of disease. The study of epidemiology has become an inspiration, because of the microscopic surprises it furnishes, and of the minute, yet successful, experimentation which has resulted.

By easy recognition of disease, by attenuation, asepticism, and by isolation, we have today mastery over epidemics, which is inspiriting to any man or board fortified by laws sufficient to enforce a wise and competent sanitary jurisdiction. The study of modification of type, perhaps of hybridization, and of all the details of minute plant life, as related to disease, is like awakening with eyes magnified to the observation of the minutiæ of an infinitesimal botany and zoölogy. We find ourselves in a garden of contending plant life and animal life so prolific and so imminent in all that relates to our lives and health, as that a very stoic would arise and enter upon classification and description, with a view to the relief of human suffering and the prevention of invading disease. The chemical forces are not less interesting in their study or important in their bearing on vitalization and devitalization. It is the province of hygiene to define and exhibit what perfect living is, so far as it concerns the physical life, what are the forces against which it has to guard, and what are the deliverances which human knowledge and foresight can secure. The relation of all industries to health and law, the evils of trades and occupations are to be summarized. The structural and mechanical arrangement of all receptacles and conduits for the safe carriage of house *debris*, are specimens in another direction of inquiry, whose limits are not yet imagined. Fields broad enough for the social scientist, the physician, the philanthropist. Indeed, in all the range of the sciences or of the arts, you cannot touch themes more intimately blended with the every-day life of society, with the question of self-preservation, of happiness, of *welfare* in its largest, broadest, grandest sense.

There must be recognition, study and practice, commensurate with such a height, breadth, length and depth of meaning. While this Association recognizes it as but one amid many other departments that have to do with the vital concerns of society, it can insist upon it as so basic in its position, as so indispensable in its appreciation, as to claim for it prominence in all attempts to adjust life so as to secure that highest welfare which the interests of society, not less than those of the individual, demand. The God who made this body a temple, and adorned it with all manner of precious things, made it also to represent what fealty to law can do for its well being, and what a breach of law can do to frame mischief or iniquity, which expresses itself in physical, as it does in

intellectual and moral debasement. The God-like, the Christ-like in humanity, must be taken care of in accord with the law of our being, as well as that of revealed will, and then shall we behold a harmony too often obscured by a lawlessness which has become so common as to be mistaken for the original fiat and stamp of the Almighty. The section which, on this occasion, I have the honor to represent, has found itself led by force of circumstances to give prominence to three subjects:

Inebriety, in its influence on society as well as on individuals, and on the penal and dependent classes, is a theme so forcibly intruding and projecting itself into the very vitals of social, civil and economic art, as it concerns the State, that it almost passes from the domain of the moralist, the psychologist and the philanthropist to that of the sociologist, the political economist, and the statesman. Grave questions are now being raised as to what are the theoretical, and what are the practical, ways in which to deal with it. Shall we attack it *ab initio*, or go a gunning at it by a kind of guerrilla warfare? Shall we treat it as a disease, a frailty, or a crime? While we are not of those who would emphasize it as to be dealt with from a civic standpoint as primarily a disease, yet it is well, as with all crime, to look at it from the physical and social, as well as the moral, standpoint.

The logician who holds his equilibrium amid the laws of the physical and the immortal, and recognizes each superior in its sphere, and each independent somewhat of the other, does not kill with the letter the spirit that giveth life. Practically, we need great study and great observation to find out what is the practical thing to be done with inebriety as an enormous disturbing force in social and governmental life, as an explosive whose dynamic capacity is as dangerous in the new United States of America, as slavery was in the old. It carries with it so much breach of law, so much that is solemn and burdensome to government, so much of responsibility that is avoidable, yet actual, that we do well to allow it to be considered by able authorities, and to be presented for your valuable discussion. As there are those who would deal with it as primarily a disease, we give to this view a hearing.

Insanity has before been up for your consideration in its bearing on social life. The unmistakable increase in the causes that produce it, has given to American nervousness an application almost as if the average American had a special distribution of nervous

filaments and a superabundant nervous organization. The rush of travel, the rapid methods of business, the strain of routine labor, the crowding of office work, the drive of machinery, the unvarying monotony of the calculator, the telegraph operator, the telephonist, the sewing machinist, and many other industries, of which these are but technical specimens, together with the wild effort to get wealth, or to keep up with the times, or to make a living (no simple thing in these times when living respectably means so much), all these and other forces, tend to drive mind and matter alike out of shape and out of propriety, and to confuse both in the wild turmoil of unbalanced existence.

Palatial asylums, modified retreats, and the tens of thousands of homes that have some member not quite ready for these, and yet, by reason of disordered sensations or deranged correlation of parts, unfit to go two-handed, single-hearted, and level-headed into the conflict of life, too plainly tell us that there is work for social science, and adjustment for social art behind the discords of the world's great stage. How to prevent all this, is a subject that touches the heart-strings.

3. The *sanitary requisition of our dwelling-places* includes within its sphere most important questions of civil and domestic life. While at this session we only attempt to introduce it, we trust that we shall draw such attention thereto, as will lead to a closer study of all locations, of structural conditions, of the embarrassment or impediment to healthy household life, whether in hamlet, summer resort, city home, or boarding and hotel caravansaries. As to it, we have had abundant generalization and advertising of evils.

What we now need is the specific enunciation of safeguards, many of which are known. Still more we need to know, how by skilled aid to secure the doing of what we do know, that thus the vigor of life may be maintained, and that it may be converted into such force and productivity as will tell upon human progress and the promotion of human happiness and usefulness.

Great errors in household conditions have their origin in the use of undrained ground, in imperfect material and structure of buildings, in the modes of introducing the various conduits or pipe systems which now are a part of the habitation and that want of sanitary inspection during construction, which will prevent the covering up of unskilled work. The social compact and its welfare, are so concerned in this matter, that good government, not

less than good health, requires an oversight at the beginning instead of a constant activity without insight or a tinkering with evil results.

These, ladies and gentlemen, are themes incidentally chosen from the wide extended field which deals with human health as a factor in social science; subjects which must have the most philosophic and practical consideration if we would carry forward the nation to a capability to meet the growing demands that are made upon it for sound bodies, sound minds, and healthy characters.

So sure as the reign of law is the grand fidelity and constancy that pervades the universe of God, and forms the nexus of which all human law, called government, is but a copy or an attribute, so sure is it that we must find out and follow out in the individual and social life those laws of health which pertain to the compact not less than to the individual.

Only so shall we avoid penalties which are as sure in the physical as in the moral government of the Creator, and come to know for the nation, by knowing for the man, the woman and the child, how integral and essential to social and civic existence is the full realization and meaning of these words, *to be*, and *to be well*, which our good mother-tongue has joined with a hyphen and made grandly strong in that word of profitable thought and enormous meaning which it calls *well-being*.

II. PHYSICAL TRAINING IN HOMES AND TRAINING SCHOOLS.

By Prof. D. A. SARGENT, M. D., of Harvard University.

(Read September 4, 1883.)

It would seem that the country had, at last, become convinced of its physical degeneracy, else why so much devouring of physiological and hygienic literature, and why so much of this kind of literature to devour? The practical interest in health subjects, however, is not commensurate with the theoretical knowledge that is afloat concerning them. Much of this apathy is due to the character of the literature under consideration. In most of it, we find no agreement of opinion on special topics, no attempt to give individual instruction, no effort at classification, and are forced to conclude that the authors drew their inferences from their own limited experience. As each one differs from every other in his physical requirements, so each one differs from every other in his opinion of the use of physical exercise, and of all agents of health. The records of hospitals and asylums bear testimony to the fact that without physical exercise some persons may exist and enjoy health for years. Yet all the great medical and educational authorities in the world have dwelt upon the importance of physical exercise as an agent of mental and bodily development.

The thinking minds of today accept the conclusions of the sages as to the value, but differ as to the kind of physical exercise. Whenever an attempt has been made in America towards systematic bodily culture, it has been in the line adopted by Germany, England and France. In the West the German system predominates. The French is largely taught in the fashionable seminaries of New England, and the English sports are almost confined to the higher schools and colleges of the eastern and middle States. In each of these systems, as adopted in America, you will find the same defects that are now being recognized in the nations of their birth. Germany, tired of the stereotyped exercises of the Turnverein, is making a plea for sports and games. England, wearied with athletics "run wild," is attempting to substitute a rational system of exercise for competitive sports and games; while France and Sweden are beginning to realize that calisthenics and free movements, though aids to the graces, afford very little exercise as such. No one will deny that Germany, England and France have each done much for the physical development of their

youth—in fact, the peculiar system of exercises adopted by each nation has been the means of intensifying, as it has the outcome of, the national type. In the deep-chested frame, the melancholy disposition, the unity and solidarity of the German youth, we recognize the effect of his favorite apparatus, and of the posturing of the *turn-platz*. In the lithe and graceful figure, the vivacious spirit of the French youth, we see the effect of calisthenics and light gymnasties; while broad shoulders and heavy limbs, backed by dogged pluck and endurance, characterize the English youth. Wellington knew the value of competitive sports when he said that Waterloo was won on the play-ground of Rugby and Harrow. What was thought to be the strength of each system proved to be its weakness. Until it was more practised and had begun to receive more attention, the special tendencies and peculiar developments of each were not manifest. The advancement of an art is attained at the expense of individual completeness and harmonious development. When the accomplishment of particular feats is made the primary object of physical training, the result will be injurious to health.

It is impossible to enlarge upon this point at the present time; to do so, it would be needful to consider the physiology of exercise, and examine in detail the defects of the national training systems. Germany's plea for athletic sports, and England's call for more methodical exercises, are indications that America should profit by. The system of each country now gives to its youth that which he hath, and, from him that hath not, taketh what he hath. We want the combination of these systems, all regulated, systematized and adapted to our peculiar needs and institutions.

The highest development of strength, activity and grace, is not compatible in the same individual—health being maintained only in a body in which life's forces are well balanced. The tendency of all progress is to break down this equilibrium, and to make a man a unit in a great organism, in which he is forced to fulfil some specific function for the benefit of the whole. The *external* struggle for existence no longer requires a strong, well-developed man. The division of labor makes it possible to earn a livelihood by the employment of a very few muscles.

Once man's occupation furnished him all the exercise he needed; now he is obliged to trust to other resources for healthful exercise. Political economists recognize this evil, but look to gymnasiums

and athletic sports for employment of unused faculties — forgetting that these institutions are governed by the same spirit that governs the world at large. The motives for physical effort back of our gymnasiums and athletic associations, are a passion for excitement, a desire to accomplish some great feat, to win a prize, and gain celebrity at all hazards. These motives often incite many a listless man to effort, and are not in themselves unworthy. But when we consider that the object of Physical Training is the full-orbed and harmonious developing of the whole organism, that health and the capacity to work are the things to be desired, it will be seen that there is an inconsistency between the object to be attained, and the methods of attaining it.

Specializing in athletics will prove as injurious to health as specializing in business. Raising the standard of a game limits the number that can play it, and reduces its value both as an exercise and a recreation. Making victory the primary object, and health and development secondary considerations, opens a way for professional trickery, exacts more work than is necessary for the welfare of the body, and invites dissipation after the victory is won. These are the unmistakable tendencies which threaten to make some of our popular physical exercises sources of evil rather than of good. To prevent this tendency, and to make these powerful agents contribute to the upbuilding of character and the development of the physique, are worthy the consideration of all.

Inasmuch as our college students raise thousands of dollars annually for the support of athletic organizations, it might naturally be suggested that the reform begin with them. But, having stood at the door of one of our largest universities, and examined hundreds of youths as to their health and physical capacity, we are prepared to say that the reform should begin in homes and preparatory schools. Students enter college trained in mind but not in body, and where ten break down for want of body, one breaks down for want of mind. Many below the average in size and strength make rapid progress under favorable conditions, showing that their bodies were kept in arrears while their minds were developed. This class of students, though standing well in school, not infrequently take a dislike to books upon entering college, and devote most of their energies to athletics. Others are ignorant of the first principles of physiology and

hygiene, and leave school with acquired defects which a little appropriate knowledge and training could have obviated.

If you approach the teachers on the subject of physical training, most of them will tell you that the school curriculum is made up of so many studies; that they have so many hours to teach so many branches, and so many months to fit a youth for the next grade; and that if a pupil break down in his attempts to keep up with the requirements, he must drop out and let his parents and physicians take care of him; for they hold that the teacher's province is to train the intellect not the bodys of his pupils—unmindful of the fact that the intellect is sustained in its function by the same heart, lungs and stomach that keeps the body alive—and, aside from this, that ninety-nine out of every hundred that graduate from our public schools must necessarily earn their livelihood in occupations where health, with ordinary intelligence, will count for more than highly developed intellects without the sound physical basis. Inasmuch as millions are expended annually upon the education of youth, who either break down in preparing for their life's work, or are rendered inefficient, all for the want of health, it would seem that physical training, in its broadest and noblest application, should form a part of the regular school curriculum.

But such a training is not to be procured simply by making physical exercise a requirement. There must be intelligent direction behind it; a thorough knowledge of the human organism, and a wise adaptation of means to ends. This can only be secured by creating a public sentiment that will place a medical supervisor at the head of every school in the country. Shame upon the civilization that puts a premium upon sickness, suffering and death, and compels the physician to sit in his office and wait serenely for the onslaught of disease, which a little timely advice from him could have obviated. The highest province of the physician is to improve the hygienic conditions of the individual, the sanitary condition of the community, and to prevent disease wherever it is possible.

In order the better to discharge his humane office, he should frequently be invited to examine the children and their surroundings. He should be familiar enough with a healthy body to know one when he saw it. He should be educated to deal with physiological problems, before they become pathological. His work should be supplemented by the intelligent coöperation of parents.

They should know something of the lives of their ancestors, and of their mental and physical characteristics, their nationality, occupation and the healthfulness of the town or city in which they were born. Parents should note the same facts with regard to their own lives, keeping a history of their accidents, diseases, and mental and physical conditions before and after marriage. The same information and more should be recorded respecting the lives of the children. The weight should be taken at birth, and the head, body and limbs carefully measured. This process should be repeated once a year at least, through the whole period of growth and development. The various stages of dentition should be noted, the age at which the child begins to walk, the resemblances to father or mother and the dawning of hereditary traits.

After three or four years the relative proportions of the different parts of the body should be determined, and the annual rate of increase in height, weight, strength, chest girth, etc., should be carefully ascertained and recorded. A history of the children's diseases should be kept, and the peculiar tastes and idiosynerasies that accompany them. The first appearance of morbid tendencies, perverted growths and malformations should be noted, and judicious efforts made to correct them.

In early life a child should be taught to respect his body, to pride himself upon the purity of his skin, firmness of his muscles, and uprightness of his figure. If the house be provided with a play room or a family gymnasium, well and good, if not, under the skilled directions of an enthusiastic parent, the doors and windows, chairs, tables, stove, beds, etc., may be made to furnish appropriate exercise for the youngster. The will is wanted, that is all. With some children, it is better to trust largely to the play impulse, being careful to direct it into proper channels, and to keep it within bounds. Once inspire a boy with the idea that strength depends upon health, and both upon exercise and the right care of the body, and you have lifted from his heart the burdens of labor, and taught him the practical value of cleanliness, temperance and self-mastery.

Let a few enterprising families carry out this regime for a while, as they have in England and some parts of this country, and a public sentiment will soon be aroused that will carry the good work into the schools.

This condition of affairs would presuppose the appointment of

medical supervisors with their trained assistants or teachers skilled in physiological science—and well equipped gymnasiums and play grounds. To such a school send your boy at the appropriate age, with his established record. A physical examination would be necessary at the outset, to determine how to classify him with others.

If the physician in charge has had any experience in his position, he has computed his tables, and knows the normal condition of the mean or average boy for every age, nationality, class in life, etc. The family record will give him important information concerning your boy in particular.

If the school be founded upon physiological principles throughout, a comparison will be made at once between his mental and physical standing, the time of previous study, etc., being taken into consideration.

From the data ascertained it will be possible to form a fair judgment of the boy's present condition and capacity. The course to be pursued will depend largely upon the results to be realized. If the object be to make the best of the boy as a boy, all things being considered,—to make him master of himself, and train him to be a healthy, vigorous, well developed man, the object is worth striving for. But, unfortunately, nature has not dealt equally with all. Some she has richly endowed with splendid gifts, to others she has left only a terrible inheritance of evil. To some she has bequeathed health, strength and ability to work; to others disease, feebleness, and capacity to suffer. For some she has opened up glorious possibilities, and paved the way to grand and lofty achievements; over others she has placed her cruel restrictions, and established barriers which never can, with safety, be surmounted, physiologically speaking. Men are not created "free and equal;" let each boy accept his limitations manfully, and be true to his own type and organism.

Knowing the true condition of the individual, and the training most suited to his particular case, it is necessary that the physician in charge have some knowledge of the methods and appliances by which specific results may be attained. This knowledge, to a limited degree, is possessed by professional trainers and prize-fighters, but has never had the attention of educators and men of science.

No physical exercises are better adapted to school purposes than those furnished by the appliances of the *modern* gymnasium.

The grand aim of this institution is to give a boy a well rounded, harmonious development. With this end in view, it is supplied with apparatus especially designed to strengthen natural weaknesses, and remedy natural defects. On many of these appliances the condition of the vital organs may be affected by changing the time of application, resistance to be overcome, and the rate and manner of movement.

In order that each one may be working within his capacity, the apparatus can be adjusted to the strength of the strong, or the weakness of the weak.

But the gymnasium does not stop in its usefulness with the strengthening of local weakness, and the relief of natural or acquired defects. It affords an admirable opportunity for exercise to those who are naturally strong and well, and are desirous of keeping so. It can be adapted to the use of large numbers, and all its exercises can be carefully regulated, systematized, and arranged in progressive series.

Being protected from the inclemency of the weather, the system can be carried on without interruption through most of the school year, and be made highly educational.

The periodical examinations and measurements which should furnish the basis for such a system, should also determine its direction and limitation, in special cases.

If the gymnasium is not properly equipped, and the pupils are obliged to adapt themselves to the crude appliances with which these institutions are usually furnished, it will fail to meet the wants of the classes most needing its training. Or, if the examinations are dispensed with, and the accomplishment of feats, the winning of prizes, and the gaining of popular approbation, are made the chief incentives to effort, then the gymnasium will become a training school for specialists; the great majority of pupils will want a motive for faithful work, and the primary object of its existence, — the symmetrical building of the body, would never be realized.

Though it affords the best means of physical training, from the educational standpoint, the gymnasium is not complete in itself. The monotony of its movements should often be relieved by recreative sports and games. But here you enter the realm of special exercises, and they should be used judiciously.

Bowling, lawn tennis, and hand ball tend largely to develop the

muscles of the lower extremities, and right arm and side. So do base-ball, cricket, and lacrosse.

Swimming is an admirable exercise for the special development of the lungs and chest, and a capital general exercise for most of the muscles of the body. Foot ball, for those who are tough enough to stand it, is the best of all games for the development of the system at large. Rapid walking and running brings a great many muscles into actiou, but especially those of the calf and thigh.

Rowing with the sliding seat furnishes employment for the muscles of the legs, arms aud chest, and, like running, is an excellent exercise for the improvement of respiratory power. Horseback riding, bicycling, skating, canoeing, and some of the exercises mentioned, are powerful specifics, and furnish the best exercise possible for certain conditions.

Many of the so-called physical exercises, like military drill, owe their value in education to the moral training and discipline they exact, and not to their effect upon the development of the body.

In spite of the advaucement of science, and the promulgation of physiological knowledge, — to say nothing of our daily experiences, — one-half of the world seems to think that bodily exercises affects only the muscles. Yet, did the time permit, it could easily be shown that not a few of them give more employment to the brain and central nervous system. In this very fact lies one of the dangers for educators to encounter iu the development of competitive sports, and highly artistic games.

Unless our schools aud colleges are prepared to recognize in the important qualities attained by athletic training, an equivalent for a certain amount of mental work, the time given to athletics, and the nature of these sports, must be regulated by the same authorities that make up the school and college curriculum.

Advancement in the standard of scholarship, and advancement in the standard of athletics, cannot be made in the same institution, by the same students, at the same time.

There is a limit to human development in one direction. Muscular exercises requiring a great expenditure of nervous energy do not give the student's brain rest. Races that are rowed in anticipation, games that are played in school and out of school, victories that are won in dreams, are all accompanied by nervous excitement that is not inducive to calm and quiet mental research.

At the same time, the value of competing sports must be recognized. When kept within bounds, they are valuable aids to discipline, and tide the young over a dangerous period. They develop presence of mind, coolness, courage, patience, and call for a rapid and responsive exercise of judgment under trying circumstances. These are qualities well worth cultivating.

The medical supervisor should know these facts, and more, — he should know the specific value of all exercises and games as a means of development, and be able to judge of their physiological effect upon different constitutions and temperaments. Armed with this knowledge, and the data obtained from the examination of the individual, a course of beneficial physical training can easily be prescribed. If, in conjunction with such a course, a little practical advice be given with regard to diet, bathing, sleep, and other health topics, its value will be greatly increased. Add to this the moral effect of having physical training made a part of the school curriculum, and you have entered upon a work which will not only tend to the physical improvement of the race, but which will also add to it intellectual and moral advancement.

III. THE TRUE "HIGHER EDUCATION," OR PROPORTIONED CULTURE.

BY W. CAVE THOMAS, ESQ., OF LONDON, ENGLAND.

(Read September 4, 1883.)

Men talk, and write, about the subject of education, as if its principles were already established on a solid scientific basis. They build upon the ground bequeathed to them from mediæval times, without taking the slightest pains to examine whether it be quicksand or rock. The theory of the modern scheme of education, if this can be said to have any theory, has not the faintest semblance of scientific precision. Exact *quantitative* analysis, the unfailing evidence of true science, is not to be found in its statements. Rule of thumb prevails. According to modern notions, that is the *higher education*, which includes the greatest number of subjects in its curriculum. The leading educational aim of these days would appear to be that of *cramming* as much knowledge as possible into a man; a process which dissipates intellectual power, and produces shallowness. Yet, it is by this very process that the intellect of the, so-called, "civilized world," is being marred. With this egregious fallacy of "cramming," as an educational means, is associated another quite as absurd, viz., that of cultivating the natural *bias*, or bent, of the student. The two leading notions then by which the modern system of education is actuated, are (1), a belief in the efficacy of a great quantity of knowledge; that intellectual power is increased in the ratio that the number of subjects committed to memory is increased; and (2), that genius consists in the dominance of some natural *bias*, or bent, of some abnormally exaggerated development. Whereas, the Science of Education, when thoroughly worked out, as I have worked it out, shows both assumptions to be erroneous, and that they lead to a waste of vital power, and a misuse of the human faculties. The true Science of Education is nothing more nor less than the enunciation of the laws of the right distribution, and use of vitality; and, according to this science, the true Higher Education is that which has for its aim the economical or proportionate use of all the faculties; that proportioned culture, or training calculated to effect the *symmetrical* development of all the faculties of the intellect, and

of the physique. The true science of education inculcates the paramount importance of endeavoring to form the man intellectually and physically, as a perfect instrument of thought and of action. But, alas! the world will try, "how not to do it." There is a perpetual crying out for an extension of the curriculum of study, for more and more top-hamper to be piled upon the brain, this being the means, according to vulgar notion, for achieving the higher education. The erroneous notion, that every subject of study requires a different kind of faculty for its pursuit, probably lies at the root of this craze. Educators have not yet learnt that every science requires precisely the same intellectual faculties for its successful prosecution, viz., observation, memory and reason. Knowledge, (the stores of knowledge,) should be regarded merely as materials for the use of the intellect, and not as in themselves, when garnered in the memory, constituting intellectual power. And it should be steadfastly borne in mind that knowledge itself can never be properly utilized unless the brain be developed into a perfect intellectual instrument. We could safely trust the possessor of a brain thus developed to choose his own reading, and we should also feel assured that whatever work he should put his hands to, would be done in a right, workmanlike manner. To effect that complete cerebral development should be the chief aim in the education of the intellect. This is that educational thoroughness of purpose which would ensure excellence in every department of study and of labor; yet, the world vainly hopes to arrive at the same results by some new fangled, clumsy and costly scheme of technical education.

Let us now encounter the second fallacy we have alluded to, viz.: that of cultivating the strongest bent or bias. The very use of the word bias, either in reference to the intellect, or to the physique, implies some natural specialization or disproportionate development, that ought in itself to be sufficient to deter men from attempting to increase what is already in excess; for, according to the laws which regulate the economical distribution and use of the limited power in living beings, power cannot be used to excess in any special direction, in a living organism, without some other portion of that organism being deprived of its due of exercise, and of development. A principle more fatal to intellectual and technical excellence than that of cultivating the strongest bent, could not well be devised. Dr. Johnson defined genius as "a mind of

large general powers, accidentally directed to some particular study."

"That strain I heard was of a higher mood!"

and ought long since to have shaken the world's confidence in the culture of natural bias. For a mind "of large general powers," is to all intents and purposes, the proportioned mind. But not only do we find Johnson recognizing the proportioned as the right intellectual constitution, but also Shakespeare and Macaulay, without in the slightest degree shaking that educational heresy, the belief in the cultivation of bent, which is but another title for one-sidedness. Shakespeare, for instance, in setting forth the principle of excellence in Brutus says, "The elements were so mixed" (*i. e.* proportioned), "in him, that nature might stand up and say, this was a man!" And Macaulay in writing of the men of a certain eventful period of English history, says: "The constitution of their minds was remarkably sound; no particular faculty was preëminently developed, but manly health and vigor were equally diffused through the whole."

This perfectly conditioned, or proportioned intellectual constitution, as conceived by those great authorities, is a very different thing to the all-roundness of popular conception, and which it is thought may be produced by forcing into the modern student's and victim's head, the entire cycle of knowledge. The teacher of today has, somehow or other, come to imagine that all-roundness is to be the result of cramming every kind of knowledge into the brain, whereas, intellectual symmetry is only to be developed by the proportionate adjustment of organization of the several faculties of the intellect by a judicious system of formative training.

Whether man be regarded as in decadence from the proportioned manhood of the creation, or, according to the hypothesis of evolution, as progressing towards that symmetrical, or proportioned condition, that symmetrical constitution of the human nature is really the ideal to which, by the Christian doctrine, he is to be restored, and by the scientific, he is to be progressively developed. The modifiability of organization, which would render either restoration or progressive development possible, is by the one doctrine virtually, and by the other absolutely, admitted. Should not, then, the education, the training, which has for its object, the development of the proportioned manhood, be esteemed as the true higher education, rather than either that which seeks to cram with

knowledge, or that which seeks to exaggerate any natural bent or bias? The endeavor to exaggerate any natural bias, is, in plainer words, the endeavor to increase some congenital and, possibly, inherited disproportion.

Professor Allman, in his address to the British Association for the Advancement of Science, said: "Whatever may be that mysterious bond, which connects organization with physical endowments, the one great fact, a fact of inestimable importance, stands out clear, and freed from all obscurity and doubt, that from the first dawn of intelligence, there is with every advance in organization, a corresponding advance in mind." If, therefore, with every advance in organization, there has been intellectual progress, the true aim of education should manifestly be the improvement of organization. If education fails to do this, she fails in one of her most important missions; but, if she not merely fails to improve organization, but, by the wrong means which she adopts, actually deteriorates it, she really undermines and weakens the human intellect, and the result must inevitably be mental decadence instead of progress.

An educational system, having a formative, or proportioning aim, is the more imperatively required, as the artificial life of these times is the source of numerous kinds of human deterioration and deformation. There are outward and visible signs, too, that the world's educational system is not doing what was expected of it. Men have no longer the grip of thought that their predecessors had when schools and colleges, as well as the subjects taught, were fewer. Mankind is becoming more and more intellectually superficial. I shall, therefore, follow up the preceding remarks with a brief exposition of a system of symmetrical training,* designed to develop intellectual and physical completeness. The perfect efficiency of the human mind and body decline, necessarily decline, as men become disproportioned. Disproportion is the fundamental characteristic, the essential characteristic, of all the ills that afflict the world.

We have summed the purpose of the right, or higher education, in one general expression, "The Development of the Proportioned

* NOTE. See *Symmetrical Education*, by W. Cave Thomas, published by Messrs. Smith, Elder & Co., 15 Waterloo Place, London. Since the publication of this little work, the author has wrought out his views more completely in papers read before the Social Science Association, and the Ascham and Education Societies.

Manhood." If there be the slightest doubt about the correctness of this generalization, test the converse for a moment, and for the sake of argument, viz., that the true aim of education is to develop disproportion in men. The absurdity of such a doctrine, when thus undisguisedly stated, is at once manifest. Nevertheless, however, this is virtually the principle on which modern education is conducted, when it cultivates, and still further exaggerates natural bent, or bias; for the word bias, as we all know, implies a *list* in the mental constitution, either a faculty, or a set of faculties, out of symmetry with, and disproportionate to the rest. Now, if we take a general survey of animated nature, man, as compared with other beings, is more symmetrical or proportioned in his organization. This more generalized, or balanced constitution is, therefore, man's distinctive characteristic; in this inheres that superiority which constitutes him lord of the earth. The very inferiority of other creatures consists in their more specialized, or biassed organization. Notwithstanding this fact, however, the constantly increasing tendency of modern educational measures, is towards specialization, whereas, man is most man, when he exhibits the least degree of bias, both in mind, and in body; that is to say, when he is, in every respect, the proportioned man. The endeavor to specialize the human nature is, therefore, a retrograde educational policy; it means either in a lesser or greater degree, decadence.

A man in any way disproportioned is, as a human being, an imperfect mechanism; how, then, can that perfect work, so loudly clamored for, be reasonably expected from him, when, to make the case worse, every educational means is used to increase that disproportion? Why do we not endeavor to correct mental disproportion in the same common-sense way that we do physical deformity?

To Greece has the crown of preëminence been awarded for the highest kind of workmanship; and why? Because the Greeks must have understood the master science, the science of proportion; a science that I have attempted to reformulate. In all Grecian work, proportion is manifest. And, when we shall come to comprehend fully the purpose of the Olympian and other Grecian games, I believe we shall find that to have been proportioned culture; on no other condition could those celebrated gatherings have aided her to obtain her supremacy among the

nations. That supremacy has never been rivalled, much less transcended. Uncontrolled athletics would not have been of the slightest use to that end, nor would they have contributed to the excellence of Grecian sculpture. Depend upon it, that Grecian athletics, as Grecian art, were controlled to an end, and that end was the proportioned. Proportion is not only the basis of art; it is the basis of education; it is the basis of conduct; it is the basis of politics, and it is the basis of natural religion. The proportioned is, in short, the goal of progress in the universe.

When we come to reflect upon, and to deeply ponder over the matter, too, we begin to perceive that this proportioned or ideal humanity which we have affirmed that it is the true aim of education to develop, is really the definition of that humanity which is said to be in the image of the Creator—is that Divine humanity in which genius inheres; so that in endeavoring to conform the manhood of a nation to that proportioned or ideal standard, education would be, in every way, advancing, not only the best interests of the nation, but of the world; instead of which, the present system of education tends to develop one-sidedness, intellects exhibiting various kinds of eccentricity, so that the cultivated world goes awry, flies off at a tangent, and from the true orbit of excellence and of progress.

The Grecian civilization was, as I apprehend it, distinguished from all others by its formative system of education or training. The Greeks not only applied the science of proportion to painting, sculpture and architecture, but to the development of living human beings. Their education, as their sculpture, was Pheidian. They moulded flesh and blood, as well as the marble, to the proportions of the beautiful. The Greeks were, fortunately, free to pursue this aim without let or hindrance. They were unencumbered by those vast accumulations of knowledge of which we are so boastful, but which are, really, *impedimenta* to intellectual progress. Neither were there any classics to consume the precious hours of youth. They had neither physical sciences nor classics to mar their main purpose. There were alone, the National language, ethics, the mathematics, drawing, music and athletic exercises; a curriculum, nevertheless, sufficient to develop all the faculties, both of mind and body, during the most plastic and modifiable period of youth, towards their proportioned condition. The highly cultured Greeks did not, as the public of these days, gloat over the

exhibition of some abnormal gigantic special development; they loathed every form of monstrosity, and endeavored, by every means at their command, to so proportion the elements of human nature as to make the man. And their achievements as a nation are incontestable evidence of the rightness of the means they employed. Moreover, we gather from the educational system adopted by the Greeks, which was so different to our own, that the study of the classics and of the physical sciences are not essential to the intellectual development of man; nay, that the education destitute of these studies was better calculated to raise men capable of masterfully pursuing every great human aim. Men profess to study history. They only read it, and turn away from its pages without extracting the moral of its teachings.

You may exclaim, "Enough! we frankly admit that the development of the proportioned manhood is *prima facie* a reasonable doctrine"; but you might follow up this admission with the question, "Can it be accomplished"? This question has, in a general way, already been answered. The Greeks demonstrated that it could, in an eminent degree, be accomplished. Nevertheless, we shall endeavor, under three heads, to fortify the arguments we have already adduced in favor of porportioned culture. These heads are:

(1.) The Definition of the Symmetrical, or Proportioned Manhood.

(2.) Can Organization be modified, improved?

(3.) The Means for Developing the Proportioned Manhood.

(1.) *The Definition of the Symmetrical, or Proportioned Manhood.* If you were to place yourselves in a critical temper before some of the celebrated Grecian statues, the Apollo Belvedere, for example, and try your utmost to find fault with it, you would be dumbfounded, unable to impute either excess or defect to any of its proportions, for this statue is, by the consensus of the ages, the type of perfect physical symmetry. In like manner the intellectual form, if I may so express myself, should be in such just proportion that it should be proof against adverse criticism; this also, should be neither in excess nor defect in any single particular. The proportioned or ideal man, therefore, consists in the proportioned mind, in the proportioned body;—this is, indeed, but another way of stating the constitution implied by "*mens sana in corpore sano*." But, instead of before the Apollo Belve-

dere, let us picture you placed in a similar critical mood before the gigantic statue of the Farnese Hercules, and you would at once be sensible that the Greeks had embodied in this statue the type of brute strength, of muscular excess. But the Greeks understood the laws of organic development too well to crown this too solid flesh with a cranium indicative of gigantic intellect. They knew full well that if vitality be run to muscle, the brain must necessarily be muleted of its fair share of exercise, and of development. Just as when the vital force is temporarily transferred for either intense mental, or intense physical exertion, the powers of respiration, of circulation, and of digestion, inevitably suffer. In fact, whenever any faculty is overwrought, or inordinately exercised, some other faculty, or faculties, nay, the whole system, is thrown out of symmetrical gearing, and suffers to some lesser or greater extent. Any departure, in fact, from the proportionate distribution of the vital energy inevitably tends to disorganize the system.

Their insensibility to the principle of proportion causes the public to run into precisely the same error with respect to physical training as to mental. Their only ideal is quantity, gross quantity, in the nature of excess; and thus it is that we find the figure of the Farnese Hercules engraved as a heading to the circulars of their Athletic Clubs, encircled with the inscription "*mens sana etc.;*" as if it were possible that an incarnation of the Hercules could be intellectually as well as physically powerful.

The symmetrical, or proportioned, organization is that moderated constitution of the human nature, in which every faculty preserves a mean between its possible maximum and minimum developments. The proportioned manhood is, therefore, a synthesis of mean conditions, of all the human faculties in their mean developments. The method of averages is the method of modern science; and could we obtain precise measured data of the differentiations of every faculty in different individuals, we could accurately determine its mean, proportioned, or right development, and so, in the aggregate, the canon of the proportions, intellectual and physical, of the ideal man. The canon of the proportions of the beautiful human form can, indeed, be determined by this method, by the very same method by which the astronomer determines the true place of a star, viz., by an average of a great number of observations. If painters and sculptors would only be

at the pains, they would obtain the proportions of the *beau ideal* of the human form with a scientific precision that would render them quite independent of any so-called Grecian canon. Though I have myself a shrewd suspicion that the Greeks understood the method of averages, and that by this means they determined the proportions of their typal forms; by no other means, in fact, could reliable proportions be obtained. This method, it may be argued, would be all very well if used to determine the proportions of the physical, but how are we to obtain by its means the proportions of the intellectual form? "This," it will be said, "eludes precise matter of fact measurement." This argument, at the first blush, appears to have some weight, but when that measure of "fulness," to which each and every faculty should be conformed, shall come to be generally recognized, every faculty under the supervision of the judgment may be approximately developed to that measure. And we have to recollect as a principle of training, that in the ratio in which we increase the number of proportioned faculties in the human system, do we diminish the possibility of the remainder being developed to excess. It is on this account that controlled, judicious, physical training becomes a valuable adjunct to right intellectual culture. The proportioning of the physical faculties is an indirect means, by a reflex action as it were, of proportioning the intellectual. The predominance of the proportioned and healthy portion of the nature subjugates, by degrees, the disproportioned and unhealthy portion to right measures, to its own better conditions.

Every faculty is probably, not of equal import in the system, nor do all require an equal amount of vitality for their exercise, and their development. There is, doubtless, a disparity in those faculties which we cannot see or measure, analogous to that existing between the different sections of the physique. There is not only a great difference in the functions of head, trunk and limbs, but there is a great disparity in their bulks—nevertheless, the right development of each is the mean of all its possible differentiations in a species *homo;* the mean form of a species in its typal form, that form in which its complete purpose and fitness are perfectly represented. The law which obtains with regard to the whole, together, also holds with reference to every faculty; or in other words, the mean development of any faculty properly belonging to a species, is the typal proportion of that faculty, in that species.

This is the reason why it is the duty of the trainer of youth to take means to repress the extreme manifestation of any particular phase, any special phase of the human nature, by advancing that other portion of it which is in defect. The strongest faculty by nature is ever ready to assert itself, but should the teacher persist, in obedience to the received doctrine, to develop it into still greater prominence and excess, he would necessarily increase that original bias or disproportion. Recollect, too, that the proportioned constitution of both mind and body, is the one only condition of perfect well-being, of perfect health. That synthesis of mean or moderate faculties which constitutes the proportioned manhood, is the moral constitution; for moderate faculties induce moderation in thought and in act. Aristotle long since perceived that moderation was the scientific basis of morals. The proportioned is, therefore, the moral intellect; and the proportioned beautiful, or ideal form, the moral form.

(2.) *Can Organization be Modified, Improved?* Everyone who has attended to, and studied the hearing and training of animals, knows that it can. Perhaps, too, there is some vague general impression that it can; but any slight admission to this effect would, in all probability, be qualified with the question, "but to what extent?" a question indicating a conviction in the mind of the questioner that the possibility of modifying organization is very limited. It may be true that very much cannot, all at once, be accomplished; it does not follow, however, that well-directed efforts would not effect great changes and improvements in the long run, and it is in this long run that proportioned culture has to be regarded as of such vast importance. It is the successive increments of improvement in the flux of time that accomplish so much. This is, indeed, the process of evolution, a natural process that, having been once demonstrated, increases the obligations and responsibilities of education. Some persons have religious scruples as to the acceptance of this theory of progressive development. But they may feel reassured if told that evolution, in the sense of the gradual modification and improvement of organization is the scriptural doctrine of restoration; is that doctrine of renovation which teaches that man is to be gradually perfected, body as well as soul, by the faithful observance of the divine moral law. The retrogression, the decadence, consequent upon the "Fall," and the progression of renovation or restoration, imply considerable modifi-

ability of organization. Moreover, the exhortation of St. Paul, "let us go on unto perfection till we all come unto the measure of the stature" of the Christian ideal, recognizes proportioned existence as the ultimate of mundane Christian life.

Physiologists know that degeneration on the one hand, and progressive development on the other, may go on simultaneously, and not merely to that very limited extent that some men will only admit. The great differences in the organization of men show that organization must be exceedingly plastic. But any amount of modification would appear to be possible if we can believe that the process of evolution is from protoplasm to man. The hypothesis of progressive development does not regard organization as merely being capable of modification within very narrow limits, but of being developed from a rudimentary to a proportiond, a perfected, condition. What does Dr. Darwin say upon this point? "The framework of bones being the same in the hand of man, wing of a bat, fin of a porpoise, and leg of the horse, the same number of vertebræ forming the neck of the giraffe and the elephant, and innumerable other such facts, at once explain themselves on the theory of descent with slow and slight successive modifications." It is the doctrine of progressive development (which after passing through what Professor Tyndal terms "the period of permeation," received such strong confirmation from the labors of Darwin) that renders the doctrine of proportioned culture so important, because it demonstrates beyond all possibility of doubt that the proportioned manhood may be developed. Common sense revolts at the notion that a tendency towards disproportion can be indicative of human progress; it is, on the contrary, unmistakable evidence of retrogression, of decadence. Evolution in the sense of progress towards well-being in existence must, therefore, be towards the proportioned. Disproportion is the fundamental characteristic of all imperfection. All wrong inheres in disproportion; it consists in disproportion in the constitution of either mind or of body, in disproportionate social relations, in disproportionate distribution of wealth, in disproportion between the supply of labor and the demand, etc., etc. All right policy is, in short, a proportioning policy. Under the direction of the proportioning intellect, mind, as well as body, will travel onward to full and complete existence. It is only by associating the doctrine of proportion with the doctrine of evolution, that we can thoroughly

comprehend what progress means, and to what end the destiny of our race is being shaped.

After mature consideration, then, I think that it may be safely admitted that organization is sufficiently plastic to permit of its being gradually modified and moulded to a purpose, not only in the course of a lifetime, but through the generations. The improvement of organization in a lifetime would, perhaps, be of comparatively little account, and its debasement of less terrible import, were it not that both improved and debased organization can be transmitted. Were this not the case, there could be neither racial progression nor decadence. In these reflections, therefore, we perceive the enormous responsibility attaching to Education, and are enabled to understand the vast power it wields either for the better, or for the worse.

(3.) *The Means for Developing the Proportioned Manhood—The Symmetrical, or Higher Education.* Having defined the constitution of the proportioned man, and shown that organization is sufficiently plastic to admit of its being gradually proportioned, and perfected, we have now to consider the means by which that proportionment is to be perfected. Those means must be primarily considered, as means, such as would be calculated to preserve the proportioned human nature. Such means, however, would have to be modified to meet the educational requirements of disproportioned, or defective natures.

The views that I hold in respect to the doctrine of proportion, naturally lead me to insist upon a formative, or setting-up, education as the education which should receive the first consideration. I shall not, therefore, touch upon the subject of special, professional, or technical education in this paper. It is on the adoption of that central, formative, or setting-up education, that the future well-being of nations, nay, of the whole world, chiefly depends; on the adoption of that education which shall have for its object the proportioning, or perfecting of the man, of the human mechanism, if I may so express myself, in its totality. To this end, we have to determine the simplest form of curriculum for training the native powers of the man; that curriculum which should form the fundamental course of training on which all special knowledge should afterwards be engrafted. To determine this, we have to consider the several principal sections of the human nature. The broadest division is that into mind and body. The intellect may

afterwards be sub-divided into three functions: (1), The Observing, or Collecting Function; (2), The Retaining, or Storing Function, the Memory; and (3), The Comparing, or Utilising Function, the Reason. And the chief care of education should be that no section of the human nature should usurp more than its legitimate due of vitality by being excessively exercised and developed. The body should not be developed to the detriment of the intellect, nor the intellect to the detriment of the body. Neither should the faculty of observation, the senses, be cultivated to the neglect of memory, and of reason; nor memory at the expense of observation and reason; nor reason at the cost of observation and of memory.* What subject is there that correct observation, a retentive memory and right reason could not grapple with and master, if it is to be mastered? These three faculties in their proportioned adjustment are, I say, competent to deal with any subject. And it is for the proportionate adjustment of these we should provide in the framing of our formative curriculum, which should comprise: (1), The National Language; (2), Ethics; (3), Drawing; (4), Music; (5), Mathematics; (6), Gymnastics. The national language for the power of correct expression; ethics for the principles of conduct; drawing and music for the training of the senses of sight, of hearing, and of touch; the mathematics as exercises for the reason; and gymnastics for the training of the physique.

This formative course is, in a certain sense, wholly gymnastical,—gymnastical to the intellect as well as to the physique,—for drawing and music may be regarded as the gymnastics of the senses of sight, of hearing, and of touch, and the mathematics of the reason, etc. This curriculum is designed to exercise and develop symmetrically, the most important interests of man's intellectual and physical nature. It is formative; for, the modifiable, plastic organization of youth being submitted to the course of training implied, could not fail of being either preserved or improved by it. To one so trained, special or technical knowledge would have its full value. But the acquirement of this kind of knowledge should be regarded as of secondary importance, whereas, modern educationists would appear to imagine that a man may

*NOTE.—It should be borne in mind that every thought and act is an equivalent of a certain amount of vitality, and that the total amount of vitality is a limited quantity.

be rendered fittest for any calling by cramming him with an immense amount and variety of knowledge, rather than by the development of his innate powers. They have yet to learn to distinguish between knowledge itself, and the power to utilize and make knowledge. Unless the intellect itself be developed into a perfect instrument, all knowledge must be more or less lumber. It is that piling up of knowledge which is, unfortunately, the order of the day in our schools and colleges, that is so mischievous. Modern education succeeds in raising an enormous pyramid of knowledge only to entomb the regal intellect.

The training of the senses, for which the formative or symmetrical system provides, is a most important object, for, on this being rightly carried out depend good taste and good workmanship. For how can we very well have bad work from perfect instruments? Scientific knowledge will not confer skill of hand, nor the study of æsthetics, taste; manual dexterity depends upon exercise and long training, and taste upon the right exercise and attuning of the senses of sight and hearing. Imperfectly trained senses, too, are utterly untrustworthy, and often prove false witnesses in matters of great moment.

Do we find that the great men of antiquity were of inferior intellectual stature to those of modern times? By no means. Nay, we find that the Greeks excelled the moderns in all those great accomplishments to which humanity most aspires. This, in itself, ought to be sufficient to convince the public that an extensive knowledge of the physical sciences, and a laborious study of the classics are not essential to the highest intellectual culture, to obtain fine taste, nor to the acquirement of supreme technical skill. It was, indeed, as regarded from my point of view, an advantage to the Greeks that they did not possess our vast accumulation of knowledge. Its very quantity dazes the men of the time, and obscures from their view the true purpose of education. That accumulation of knowledge ought to be regarded as a vast *loot* won from Nature by a comparatively few victorious intellects, who have bequeathed the spoil to posterity. The sciences are conquests effected by great natural powers. The study of the sciences did not create those powers, as our educators would appear to believe; just as they absurdly do that art was the cause of civilization, when all history, and the monumental remains of nations, declare that it was the effect. The power to make science was

pre-existent to the sciences themselves, and that is the power that education should endeavor to create.

But for the present, enough! It is difficult to bring so important a subject within the compass of a single paper. Finding, however, that your Association permits the discussion of educational subjects, I have availed myself of the opportunity to submit an outline of my theory of proportioned culture to a free people always ready to graciously consider new views.

IV. A CONSIDERATION OF THE CAUSES OF INSANITY.

BY WALTER CHANNING, M. D., OF BROOKLINE, MASS.

(Read Wednesday, September 5.)

The following pages can claim to be little more than the merest outline of a study of the causes of insanity. More than this would be impossible within the limits of an ordinary paper. A close analysis of the subject would require a consideration of the entire life of the nineteenth century, with a view of ascertaining those influences which have combined to produce a type of man so often unequal to the struggle for existence, and that, too, when the surroundings for mental health seemed fairly favorable.

I have been led to view the causes of insanity from a general rather than from a constricted point of view, because the latter field has been already pretty thoroughly worked. And, after all, to go back only so far as the immediate cause, is (in the case of a condition of disease, or mental and bodily alienation, like that of insanity) little more than reaching a remote effect or a group of symptoms; it is not touching bottom, nor getting at the true source.

In considering the causes of an ordinary bodily disease, we naturally enough look to the statistics of the hospital where this disease may be treated, to throw some light upon its nature, cause, treatment, etc. If, for instance, we have a case of pneumonia, rheumatism or typhoid fever, one or two steps of statistical investigation will easily carry us back to its true cause. It is not so with insanity, however, which is a disease requiring a large knowledge of facts in the personal history of each one of its subjects to determine the combination of causes which led to its inception. These causes, in many cases, can only be ascertained after a careful, patient and minute investigation. Therefore, when we take up an insane hospital report, and see such and such a number of cases ascribed to ill-health, intemperance, business cares, family affliction, domestic worry, and a hundred other circumstances of minor importance (a proportion of them being even ludicrous in their nature), we see at once that these things do not represent the sum total of all the elements going to make up what we might call the associated cause; but they separately represent only a single link in a chain of causes, or perhaps the last cause leading to

the outbreak of the attack. If we should qualify the expression used by saying *direct exciting causes*, we should come nearer the mark; but to accept what is often little more than accident, or a ripple on the surface, perhaps, as a true and entire cause, is too narrow and circumscribed a method of viewing the subject.

I have been led to the conclusion that hospital statistics are far from giving us reliable information on the causation of insanity, from a careful study of a large number of them. On this subject, more than on almost any other, I have found the most varying methods of tabulation pursued. There is a conflict of opinion as to the very classification of a cause; one superintendent calling some particular cause a moral one, and another superintendent calling it a physical one, while a third will perhaps leave it out of view altogether. I have been particularly surprised with the large number of cases where no cause was ascertainable; there being, for instance, in a group of 24,523 cases, 33.8 per cent., or one-third, whose origin was unknown. I say surprised, meaning to to find so many acknowledged as unknown in a table of supposed *known* data. I should be really surprised if, in more than half of the cases admitted to insane hospitals, we could with certainty ascertain the cause of the attack after a hasty and necessarily superficial examination, such as is usually made on admission to the hospital. During the patient's residence in the hospital, it is also often impossible for the hard-worked medical officer, with the best of intentions, to get any satisfactory history of the patient's life at and before the time the attack developed. The insane hospital is not, in fact, the best place to make a study of the causes of insanity. It is there that the wreck is brought to be repaired, but often no evidence of the winds, the waves, the rocks, or other and more hidden dangers, is revealed.

In our efforts in recent years, to bring the study of disease down to a strict, scientific and material basis, we may have gone too far in applying the rule to insanity. We have seen, and we see today, the attempt made to establish insanity as a *physical* disease; to make it only a disease of an organ, as pneumonia is a disease of the lungs. We see that the attempt is, in part, a reaction from the visionary theories of the spiritual or psychical nature of insanity current a few years ago, and we are only too glad to welcome it as an evidence of progress in the right direction. While we welcome it, however, it is clear enough to be seen that some persons do not

give due consideration to the great number and variety of the elements, which truly constitute insanity, and hence adopt a superficial and partial method of classification. No one has been able, as yet, to give the physical atoms of human intelligence, or to perfect a physical formula for the construction of man's immortal soul; and until this can be done, a purely physical theory to explain away the group of phenomena called insanity, will be only partially correct.

Insanity we call a disease, but more correctly speaking, it is a *result*. It is a name applied to an indefinite number of changes in the manifestations of body and mind, when presented to such a degree that self-control is lost. The *loss of self-control* is the boundary line; on one side the individual is called sane, and is at liberty; on the other he is called insane, and deprived or restrained of his liberty. In other words, a man's disposition, and body also, may undergo a great variety of changes, making him very unlike himself, or alienating him from himself to a marked degree, still he is not called insane; he may be a "little crazy," or "will become insane." Let him arrive, however, at the point where these changes make it impossible for him to live in harmony with society, — where he so far lacks self-control that he cannot properly conform to its usages, — and then he will be called insane; but no new condition of body or mind is present, one step further only has been made. This one step, however, while representing little, so far as the man's mental and physical condition is concerned, means an entire change in his social status, as well as his legal status, and from this point of view is of great importance. It will then be seen that the use of the word insanity, is really an arbitrary one. It is in this arbitrary sense that the word insanity is principally useful, and it should be used to denote a condition, the result of certain changes in the human being, which renders him unable to control his own actions, deprives him of his personal freedom, and places him under restraint, or in the care of others.

I do not, by any means, desire it to be understood that, when giving this wider meaning to the use of the word "insanity," I underestimate the physical or bodily changes occurring in cases of insanity. This I do not intend; but I desire to show the interdependence of so-called physical causes, on so-called mental or moral causes. These I regard as often so inseparable, that they must be taken together as a combined causation, and cannot

properly be designated either by the one name or the other. The assigned causes found in hospital reports, upon which many papers on the causation of insanity are founded, are only the most prominent, or most apparent exciting causes, and are chiefly useful to show the kind of mental or bodily strain which appeared to have a bearing on the development of the disease at the time it was first noticed.

Take, for instance, the 24,523 cases of insanity, selected at random from hospital reports that I have already alluded to. Of these cases, 17.3 per cent. are said to have been caused by "ill-health," — though this percentage would have been larger, perhaps, had the causation of the 33.8 per cent. of the unknown cause been ascertained. What was this ill-health? How was it caused? Did not overwork, intemperance, domestic affliction, business anxiety, mental worry, hereditary influences, and numerous other influences, have some bearing on the development of the disease? May not all these things, in some cases, have combined together to produce the disease? It is easy to imagine a man inheriting an unstable mental constitution, struggling along through many years of poverty, finally arriving at a point where marriage became possible; then, perhaps, after a few years, breaking down in business and losing his wife, or child, taking to drink, and finally becoming insane. Now, here are several factors, either one of which it is customary to assign as a cause of insanity. Which one shall it be? If the man goes to a lunatic hospital, the friends will either know nothing of the hereditary predisposition, or forget to mention it, or conceal it (the latter is a common weakness, toward which I am very charitable). They will say he lost his wife, and his business failed, and he drank a good deal. Now, the chances are that the friends will exaggerate the connection of the drink with the case, and the medical officer at the hospital will seize upon this particular factor as the *cause* of the attack, and intemperance will be assigned in the hospital records as the sole cause. I should say in such a case, that no one cause could be held responsible. Here was a man unfavorably placed in the beginning, with inherited mental instability. Life under the most favorable circumstances would be up-hill work. The daily trials and ordinary annoyances of a successful business life might lead to insanity before fifty. The early *poverty* would be a very unfavorable influence in such a case, perhaps interfering with proper physical development.

Marriage would bring added cares, and domestic affliction would still further strain the power of resistance. The drinking would probably be developed, partly as a result of the great strain, and perhaps partly as a consequence of inherent mental weakness. The whole causation of the attack would depend on all these factors acting upon each other, and gradually wearing away in combination, little by little (as constant dropping wears a stone), the innate power of resistance in the irritable and unstable mental structure of the individual.

How is it possible, in such a case as the one I give, to tabulate, in one word, the causes of the failure and mental decay? The life of every individual is so secret and deep that often no one can divine the processes that go on from year to year and lead to outward action. The latter we see, yet they give but a limited idea of the care and elaboration required in their preparation. The whole progress and development of the disease in the case under consideration, may have consequently been masked, or completely concealed, until finally the point where self-control is lost was reached, and the individual yielded to a craving for a stimulant.

To approach, then, the study of the causation of insanity from this widest point of view, these minor *exciting causes* must at first be left out of consideration, and attention be turned in the direction of the *predisposing causes*. The first one, which includes others, is the *influence of civilization*. The savage in his native state rarely became insane. He led essentially an automatic or animal life. He was satisfied with a reflex enjoyment of such pleasures as nature afforded him, and did not fatigue his brain-cells with a minute analysis of an infinite variety of new ideas, feelings and desires. While he lacked the higher kind of enjoyment growing out of an intellectually cultivated appreciation, he was not subjected to the strain which arises from the cerebral processes that are necessary to such an interpretation. He was not conscious of what he missed, and therefore experienced no loss. Being but little more than an animal, imagination was lacking, and hence a conscious or systematic desire to improve his condition was hardly possible. He could not conceive of any higher or better life. His work was physical; his pleasures and his vices, also, were of the body; and, like a plant or animal, he grew and thrived, if obedient to the ordinary laws of nature, or perished if unobservant of these laws. Preservation of life by artificial

means, even so late as our North American Indians, was understood but to a limited extent. The savage, if sick, was an incumbrance to be gotten rid of, not only on account of an ignorance of the nature of disease, but also from the impossibility of sustaining life under the existing unfavorable conditions. There was, furthermore, the instinct of nature in the savage to destroy the unhealthy individual. Hence a certain definite type of physical vigor was maintained, and congenital defects were rarely transmitted. If by accident transmitted, they were certain to be destroyed in time.

Passing down from the period of the savage, and coming to the times when a civilization existed in some ways similar to that of the present day, — it is probable that the comparative frequency of the occurrence of insanity was less than at present. The ancient Egyptians, as well as the Greeks and Romans, attained to a high degree of culture, and they were addicted to excesses, which would now be ranked as causes of insanity. Yet the disease did not become general, for that degree of instability which easily leads to insanity had not been reached. The conditions were still favorable to animal life, being simple and natural when compared to those of the present day. The moral law was still lax, but perfect health was necessary and almost imperative, and the lives of the people were ordered after hygienic rather than moral or social laws. If there was physical strain, there was not excess, and the same was true of the work put upon the brain; or, in other words, the proportion of supply to demand was in keeping with the laws of health and nature. Modern civilization meant a departure from this state of automatic existence in a greater degree, and the entrance into a state of personal consciousness. This great change from a condition of objective life to one in which the power of thought and feeling became subjectively exercised, required centuries of education. As we study the histories of old nations, we are able to see how very gradually this transitional process has taken place. One epoch developed the emotional qualities of the mind, another epoch the moral, and another the intellectual qualities. As the standard of human attainments became higher, the use of reason, in a constantly increasing ratio, took the place of the uncivilized instincts of force which controlled the savage.

The life of the highly civilized European nations, during the

past century, has been peculiarly and extraordinarily favorable to the development of insanity; for the means of cultivating and developing the mind have increased to an extent unprecedented in the history of the world. Society has expanded and advanced in a thousand directions, bringing a multitude of new perplexities, cares and responsibilities, before undreamed of. When we come to a consideration of American life in particular, we find even more of those influences at work which are so peculiarly favorable to the development of mental disease.

When the Pilgrims first landed in this country, they possessed but few of those peculiar tendencies which, though now prevalent to a greater or less extent throughout the whole civilized world, are more intensified in America than elsewhere. Our forefathers were the possessors of a physical and mental organization which enabled them to overcome hardships that would now produce many cases of insanity. They were of a sturdy, self-restrained cast of character, and under the guidance of principles which made correct habits and modes of thought a natural automatic manner of cerebral action. Such great afflictions as war, poverty, and the loss of friends and relatives, produced but a comparatively small number of cases of pronounced mental disease; for there was that inherent mental equipoise, dependent to a large degree on good physical condition, which enabled the mind to meet and overcome an unusual or excessive strain. Then, too, the interests possessed by the individual were not so numerous or varied as to make it difficult for him to carry them all along together without great mental exertion. And, furthermore, he was accustomed to manual labor, and in this way kept his body in a state of health.

When our republican form of government was established, which threw the control of the people directly on themselves, and gave them a freedom before unthought of, there was, at the same time, a burden placed upon them calculated to stimulate and fire the ambition of each individual to seek position and make himself one of the ruling elements of the country. With this new and untried power came new duties and responsibilities, which were outside of and foreign to the experience of most of the people. Here were complicated problems requiring mental application in entirely new directions; here were questions of great magnitude to be settled for the first time, by persons before largely unfamiliar with

their various relations and limits. In these circumstances, I think, may be discerned the creation of some of the influences which have exercised considerable power in developing the type of character which is somewhat peculiar to the American people.' As we have seen, very suddenly, almost unexpectedly, a comparatively small number of persons found themselves a ruling power in a land of such vast extent that it contained a climate of every kind, and was, in fact, almost a whole world in itself. The gates of an Eldorado were suddenly thrown open and a little band of dazed, but sturdy and honest colonists, passed in to take possession. They little realized at first what boundless realms belonged to them, but soon the world began to flock in after them, and to some extent they appreciated the vastness of the land. So great were the natural advantages of the country that hundreds of cities and towns were founded, and numberless enterprises started, almost before they had the opportunity to change their homespun garments for more stately garb. The universal progress of civilization in other countries as well as this, and the endless resources of this country, gave rise to a large number of new inventions which vastly increased the possible capacity of these resources themselves. Inventions multiplied resources, and resources multiplied inventions.

The essential characteristic of our higher civilization as we see it today, consists in a desire to realize the ideal, leaving the grosser animal life, *as such*, out of sight. This ideal being imagined, it remains to give actual life to it, and in our endeavor to do this every resource is taxed. We next find that, having discovered the means to attain our object, there is still something beyond. The intellect has in the meantime developed and projected our mental vision further than before. What was once an ideal end, is now only a step. So it must be ever where so grand an end as immortality is to be striven for. The sinking of the animal nature, and the development of the mind to such a point that the true meaning of life may be understood, is a part of the process of human evolution. Civilization may be regarded as little more than a process of nature. It is a growing process of certain functions, which before had lain dormant. The time had not arrived earlier for the development of these functions. Civilization does not mean the newspaper, or the railroad car, or the telegraph, or the nineteenth century mode of life. This life, with all its con-

veniences, improvements, inventions and luxuries, signifies the age of mental development; an effort to realize on earth, it might be said, an unconscious idea of future happiness. With such opportunities of a perfect life, we are still far from adapting ourselves to them, and great mental and physical suffering and loss are one necessary result. As civilization brings into daily use the highest powers of the mind, these powers are overtaxed and must suffer. The use of these powers means as well, a new and peculiar use of the physical system, the nervous system in particular.

As every class in society is instrumental in establishing a general or national type of character, so in a community great or small, each class or individual, according to mental and bodily endowment and social position, will be affected by the civilizing process. And, as rapid civilization is the most pronounced event of the present age, so must the diseased conditions, resulting from the destruction of the materials made use of and cast one side by it, in its rapid course, become especially prominent.

The *race-character of the population* is another influence which has exerted a marked effect on the power of our people, as a whole, to accept our modern civilization. In the centre of our great body of people, representing as it were the brain and soul of our national life, we find a nucleus of Americans retaining many of those characteristics which first entitled them to the name of "Americans." Grouped around them are large numbers of various foreign races,—the Irish coming first, then Germans, English and others. A recent paper of Foster Pratt, M. D.,* states that, in the thirty years from 1820–1850, 2,250,000 immigrants came to this country. In the latter year the total population was 23,-191,000, and he thinks 2,240,000 of the foreign population still remained alive. The total number of insane was 15,610, and of these 2,049 were foreigners. This would make about a proportion of one-tenth of foreigners to the whole population, and a proportion of one-seventh of the foreigners insane. The census of 1880, which was much more complete, as we all know, than that of 1850, gave a total population of 50,155,000; the number of foreign-born being 6,679,000. The aggregate number of the insane was then 91,997. Of these, 26,346 were foreign born. It will be seen by these figures, that a little less than one-seventh of

* "The Increase of Insanity in the United States: Its Causes and Sources." By Foster Pratt, M. D. Kalamazoo, Mich., 1883.

the population furnished nearly one-third of the insane. In 1850, of the native population, there was 1 insane in 1,545, and of the foreign-born 1 in 1,095. In 1880, of the native population, there was 1 insane in 662, and of the foreign-born, 1 in 250. The average proportion of insanity for native whites, including the whole United States, was, in 1880, 1 in 618; of foreign whites, 1 in 250; of the colored races, 1 in 1,097; while the total average for the entire country was 1 in $545\frac{19}{100}$.

The statistics of the Board of Health, Lunacy and Charity, in 1882–83, are a confirmation of these figures of Dr. Pratt for the State of Massachusetts. In the latter year it is stated that the Massachusetts hospitals have reported on the parentage of 3,414 patients admitted during the last four years. Of these, 1,500 were of American parentage; 1,283 of Irish parentage, and 181 of Canadian parentage. The total foreign parentage was 1,914. This would make about one-third of the whole to be of Irish parentage, and nearly three-fifths of foreign parentage. These figures especially show the undue proportion of insanity among recent immigrants resident in Massachusetts; but they also bear out other statements as to the excessive proportion of insanity in our foreign population. The Board state that "the same proportion does not yet exist among the accumulated population of the hospitals; but a few years hence even this permanent hospital population will show a majority of persons of foreign parentage, and almost as many of Irish as of American descent."

As I have already said, and as we see from these statistics, the foreign population coming to our shores take an important place in all estimates of insanity in this country, and to a certain extent are an indirect cause. In the first place, we receive a distinct pauper class, who have been in such a condition of suffering and want in the old country, that unless they are relieved they will shortly go to the almshouse, prison or lunatic asylum. This class represents the most degenerated foreign element, and becomes insane in a greater ratio than any other. By reason of the public care bestowed on them, their lives are prolonged, and they live often to extreme age, largely swelling the number of inmates in our various institutions. But worse than this, they may multiply, and have a numerous progeny who are born with the parental defects intensified, and in their turn these swell the number of our pauper and insane classes. Unlike the old nations, we not only

receive the weak, diseased and imbecile of other countries, but keep them alive, and afford them opportunities for increasing their numbers.

We receive another class of foreigners who cannot clearly be called paupers, yet they have been only partially successful in their own country, and emigrate in the hope of bettering their condition. They are, for the most part, but imperfectly educated, have learned no regular trade, and so far as obtaining occupation goes, are largely dependent on accident. They leave the old country, perhaps, in a time of political excitement or financial depression, and arrive in larger numbers than are justified by the need of laborers in this country. A certain proportion of them find work which is more or less suited to their capacity. Another portion find work which is not adapted to them, and which in the end must be relinquished, either from physical or mental disability. A third portion find almost nothing to do, and drift about from one place to another, dependent a part of the time on public aid. This whole class, as I have said before, are not out-and-out paupers, but a fair number of them are destined to become paupers.

A third class of foreigners coming to our shores is composed of laborers, artisans, mechanics, trades-people and farmers, who have been at home a thriving, industrious and respectable element in the community. They have been self-supporting, and apparently able to live under the ordinary conditions of life in their own country, though the very fact of their leaving may raise a presumption that they, too, may be lacking in stability. Arriving here, they find ready occupation, which they at once enter upon, and are apparently on the road to permanent success, as well as to citizenship. That they are of inestimable service in developing the resources of the country no one can doubt. That the country might, but for them, now be half a century behind in the material progress she has made is also possible. And while it is also quite possible that native-born Americans would have become insane in large numbers in endeavoring to accomplish the results which this foreign labor has accomplished, and perhaps could never have done as much, it is open to question if the condition of our population would not have been more natural and healthful had we received even a smaller number of this class who have to a certain extent forced the material development of the country. They have supplied us with the means of accomplishing gigantic results

in a short time; but, it is not unfair to assume, the inventive capacity of the American has been stimulated and often overworked in consequence of all such easily accessible foreign labor.

As already shown, two classes of our foreign population would, under any circumstances, be prone to insanity. Taking them as a whole, they must necessarily meet with conditions in a country like ours, which will produce a profound impression upon them. They come with the inherited habits and peculiarities, and it may be added, in many cases, with the weaknesses of the old European nations. They are unaccustomed to the acquisition of money, or the holding of property. They have never held political positions. Religion may have been a matter of form or tradition. Their occupation may have been handed down for generations. Their general education is deficient. Their very vices are inherent in the particular nation to which they belonged; dependent on the social system, as well as on the type of character, the form of religion, and, to a certain extent, the climate of that country. Their physical condition also presents important modifications and idiosyncrasies, dependent on their national habits, age, occupations, etc.

Taking the foreigner as he arrives here, then, we find a mixed type, so far as physical condition is concerned. If we examine his mental and moral condition, we often find him narrow in his views, little used to independence of action and leaning on a higher intelligence. For the first time he is placed upon his feet, and has the opportunity given him to act for himself. He has a chance to earn large wages, buy a house, educate his children, take part in elections and hold public offices. If he embraces these opportunities, he is stimulated to work as he never did before. And furthermore, his brain is stimulated and receives new impressions and ideas which were before unknown to it.

While all these things may only be influences in the right direction, from an abstract point of view, in the instance under consideration they subject the individual to a new and severe strain. If he have the physical strength, the mental equipoise, and the power to overcome inherited ancestral and national vices and weaknesses, he will be aided and benefited. Otherwise he must go to the wall, degenerate and become impoverished or insane. If in harmony with his environment, in other words, he gains mental strength and vigor, otherwise he loses what he originally possessed.

There are many minor considerations which increase the difficulty of the foreigner in his attempt to amalgamate with our people, and which of course, correspondingly increase the mental strain. One of these is the changing of the habits of living, eating and drinking. These habits must be changed in accordance with our climate, form of occupations, etc., otherwise the individual must suffer. Drinking and smoking cannot be indulged in as they were in the mother country, without danger of physical and often mental impairment. The lessened opportunities for recreation also often act injuriously on the foreigner. The separation from old scenes and associates removes a quieting and peaceful influence on his mind. Even learning the English language is a source, in some cases, of anxiety and consequent mental strain.

In the second generation the foreigner has already begun to adapt himself to the life he finds here, and is less seriously acted on by those new conditions which are of minor importance. He now presents a modified type of what he previously was. He must have, of course, by right of inheritance, most of the ways, habits, manners and customs of his parents, as well as the peculiarities of the race to which he belongs. But he also inherits the experience of the new surroundings, which his parents have already unconsciously acquired. He has the advantage, also, of being born in the country which he is to inhabit, and thus is able to adapt himself to his environment from the very first, and at a time when his mind is in a normal and impressionable condition.

Unfortunately our foreign population, who are often so poorly adapted to struggle with the new life of the country, are placed in many of the positions where the influences are the worst for their mental vigor. They are expected to do the hardest manual labor of almost all kinds, and consequently suffer great exposure. They form the bulk of the operatives in the mills, and are the greatest immediate sufferers in consequence of financial depression. As servants in families they are often overworked, and by lack of discipline and proper example, learn habits and customs which make them both unstable and vicious. They live in the most unsanitary dwellings. They are often frequenters of the lowest drinking places, and in other ways are sufferers from many of the worst excesses of American life. In time, correctives and compensations may appear, and do appear for these evils; but at present the result is increased, and, I fear, increasing insanity.

Another of the very important general influences in producing insanity is *hereditary predisposition*. It has been customary, in some quarters, of late years, to overlook or undervalue the frequency of this casual element. I find, for instance, in my series of 24,523 cases, but $2\frac{1}{5}$ per cent. ascribed to this cause. I regard it as an error to place heredity in a table of causes, as in nine cases out of ten there is merely an inherited predisposition, and not a simple and direct connection between the cause and effect. The idea that the percentage of heredity conveys to my mind is this,—that many of the insane person's family were insane, and hence the hereditary element was the most conspicuous one. In my own observation of cases I have not failed to find, in at least fifty per cent., some clear evidence of inherited tendencies playing a part as an element of the cause of the attack. Not that insanity is inherited *directly* as such, but well-marked inherited tendencies, capable of development into mental impairment, I have found in the frequency I mention. On a casual acquaintance with these cases, these tendencies were not prominent; in some they were not discovered for a time, but as my opportunities for tracing back the antecedents of the cases increased they gradually came to the surface. Maudsley says* :—

"What is the exact proportion of cases in which some degree or kind of hereditary predisposition exists, must needs be an unprofitable discussion, in view of the difficulty and complexity of the inquiry; suffice it to say broadly that the most careful researches agree to fix it as certainly not lower than one-fourth, probably as high as one-half, possibly as high even as three-fourths."

A French writer, Ribot,† has said that "heredity is that biological law by which all beings endowed with life tend to repeat themselves in their descendants; the conditions . . . grow more and more complex in proportion as we ascend from the vegetable world to the higher animals and thence to man." Every quality and attribute of either mind or body is capable of transmission more or less directly. Even the slightest physical peculiarities descend in both man and animals from one generation to another. Some of these peculiarities are modified and disappear, in the course of time, under the influence of cross-breeding, or inter-marriage, or surroundings. But if the conditions are favorable, a similar type will descend. The Jews are often cited as a nation

*Pathology of Mind.

†Heredity: by Th. Ribot.

preserving for many centuries the same physical and mental peculiarities. And this can be accounted for in part by certain race peculiarities, unknown in any other people. Renan is quoted by Ribot as saying that "the Semitic race has never understood civilization in the sense we apply to the word; no great organized empires, no public spirit are found in its bosom. The questions of aristocracy, democracy and feudalism, which constitute the whole secret of Indo-European history, have no meaning for the Semitic race." Heredity has, however, exerted a baleful influence on the Jewish race, Ribot states, by sowing the seeds of sundry mental disorders, the results of intermarriage. The number of Jewish deaf-mutes is enormous. Idiocy and mental alienation are also frequent.

Ribot has shown the inheritance of like qualities of mind in the families of poets, painters, men of science, statesmen and soldiers, and Galton, in his work on Hereditary Genius, fairly proves that men of note in England have had remarkable fathers to the extent of thirty-one per cent.; brothers to the extent of forty-one per cent.; sons forty-eight per cent.; grandfathers seventeen per cent., etc.

The late Mr. R. L. Dugdale of New York, in his elaborate and widely quoted paper on the "Jukes Family," has also shown the remarkable tendency of ancestral traits to transmit themselves, under favorable circumstances, to one generation after another. Among the conclusions he arrives at are these: Where the organization is structurally modified, as in idiocy, insanity, and many diseases, the heredity is the predominating fact in determining the career. The tendency of heredity is to produce an environment which perpetuates that heredity. The environment tends to produce habits which may become hereditary, and especially so in pauperism and licentiousness.

From the above quotations it will be seen how serious and important a part heredity may play in every case of insanity, although, as I have stated, a tolerably direct relation cannot be traced in more than one-half of those passing under ordinary observation. A child from early age comes under the influence of inherited traits. In his sentiments, emotions, feelings, he is reproducing the experience of those who have gone before. If he inherits strength of body and character, he has a surplus which can be drawn on to resist or overcome the obstacles that oppose

his progress, and fit him for the strain of adult life; the environment of insanity may exert an unfavorable influence on him, but, unless the circumstances are unusually aggravated, he will be apt to pass on to old age, dying from intercurrent disease, or from natural causes. If, on the other hand, he has transmitted to him mental or bodily defects, he feels their influence very early in life, and, unless very judiciously educated, the neurotic or insane temperament will probably develop itself. There is the constant undercurrent of mental irritability, ever present, and unfavorable surroundings gradually strengthen the stream, and bring it nearer the surface. The difficulty with a bad heredity is, that it is so little understood. The whole subject of mental phenomena is naturally shrouded in darkness, and we consequently do but little, in most cases, to counteract bad inherited tendencies, which are often not developed early, though they are at work in helping to form habits, or ways of thinking and living. Even with a conscious desire on the part of parents to counteract bad inherited traits, it may be impossible for them to do so,—each child being made up of a combination of qualities inherited from both parents, which are beyond their powers of comprehension. These qualities react on each other in a manner that was hardly supposable from the known data, and the result will be a character quite unlike that going before.* Then, as Mr. Dugdale has said, the environment is often but little more than a continuance of the heredity, and fosters and develops the defects which a very different environment might modify or destroy.

The *social* environment, as it might be called, is especially apt to act from the beginning and continuously, through many years. Thus, if a child is born in poverty, or pauperism, he labors under a depressing or devitalizing influence which comes into most of the acts of his daily life. He cannot get the ordinary nourishment or clothing that he requires; his higher tastes must be sacrificed; he loses the refining and healthful influence of pleasures derived from nature; he has but little of a cheerful and helpful home influence. He is hardened and narrowed in his views of life, and easily rebels against society, degenerating perhaps into a criminal, or seeking forgetfulness of his hardships in drink and the indulgence of small vices. This environment is the common one to large num-

* A better understanding of the laws of heredity would make it easier to comprehend what sort of a character we might expect in most cases.

bers of persons, and one peculiarly favorable to the development of inherited parental or ancestral defects. As the social environment improves, its influence is exerted more in the direction of a good effect.

Physical heredity and environment, also, have a very close connection, and this environment can be more easily appreciated and corrected than either a moral or a social one. If a child inherits a tendency to insanity directly, it is easily understood and can be corrected. The same is true of a neurotic tendency. Intemperance, consumption, syphilis, scrofula, apoplexy, heart disease, gout, are physical diseases, all capable of transmission, and, indirectly, under favoring surroundings, or by reason of substitutive metamorphosis, prone to appear in the form of insanity. Their presence is a fact easily understood, and their reappearance can, to a certain extent, be guarded against by early, careful and continuous precautions.

From these brief remarks, it will be seen how constantly heredity presents itself in every relation of life. We cannot escape from it, and it is therefore better for us to endeavor to appreciate it, and profit by the experience it imparts to us.

Education, though usually not a direct cause of insanity, is so often misapplied that it is responsible for the occurrence of many cases of insanity. It should be a restraining, a retarding influence, to guide us along the paths that lead away from insanity, but often it leaves this out of account altogether. Maudsley says, in reference to education: * —

"Next in importance to the inborn nature, is the acquired nature which a person owes to his education and training; not alone to the education which is called learning, but to that development of character which has been evoked by the conditions of life."

He adds that the statistics of lunatic hospitals which show how many persons of education have become insane, are of no value whatever, until we agree upon what shall constitute a good education.

For convenience, education may be divided into *moral* and *school* education. The former, which we often forget to call, or even regard as education, is much the more important. It begins as soon as the child is old enough to comprehend what is said to him, goes on through the school years in combination with the school

* Pathology of Mind.

instruction, and ends, in one sense, when the individual assumes all responsibility and control over his own actions. From another point of view, it may be continued through life. It is this form of education which is neglected among all classes, and especially among those who need it the most. We may have had, in earlier years, much moral instruction of a strait-laced, puritanical character, favoring an abstract system of morals, rather than a practical method of living a better, more upright and healthful life under the conditions to which we were exposed. But a true moral education should embrace a study of the physical conditions peculiar to children and young people. The instincts, feelings, habits and tendencies should all be thoroughly examined, due attention being paid to the morbid tendencies as well. And the formation of character, both from a mental and moral point of view, should be carefully considered. The latter is a difficult subject, but worthy of deep thought. I do not underestimate the efforts that are made at the present day to understand better the characters and physical and moral needs of young children. But I have often seen children lacking in self-control, correct habits of thought and a proper appreciation of their duties to society. I have also seen young people ignorant of the value of money, and others who were unable, because of early education, to struggle persistently and successfully for their own support or that of their families. There are many young women unfitted to become wives or mothers, owing to improper moral training; and many young people enter the marriage relation, almost, if not quite, ignorant of the duties and responsibilities growing out of it. It is but too well known that much misery, unhappiness, ill-health and insanity are the outcome of married life, and it is undeniable that the result, in many cases, would have been very different had the early training been more judicious and discriminating.

By *school education*, I mean book-learning more particularly, though the moral element, as before remarked, can never be left out of sight. The study of books alone should not lead to insanity, but owing to defective systems of school and college education, a large number of cases of insanity from over-study and over-application have been reported. A general, rather than an individual standard is often adopted, which is too exacting for certain pupils. Especially is this true of girls, who are physically more impressionable than boys during the school years, and break down under a

relatively less strain. It is, however, often not the school system alone which is responsible for such cases, but the lives led and sanctioned by the parents at home. This is of such an exacting nature, that comparatively little strength remains for the pursuance of school studies, that should be healthful. Only the other day, a successful teacher of a young ladies' school complained of the short school hours and the long vacations. She said that her scholars largely lost the habit of persistent, hard study during the four months' summer vacation. The succeeding work would be done in a spasmodic, nervous, restless manner, rather than after a systematic plan; much would be forgotten, and much only half digested. She thought that undue importance was now attached to physical exercise or recreation. There seemed to her to be a mental and physical "flabbiness," as she called it, in her pupils, perhaps a reaction after the severity of discipline in former years. In spite of the long vacations, etc., many of her pupils broke down from nervous exhaustion. She especially regretted that habits of persistent, systematic work were not formed at school, as such habits were very valuable in after life.

A special study should be made in schools of the laws of health, and the peculiarities and tendencies of every child should receive careful attention, even in public schools. There should be, further, a definite system of moral education, extending even to the home-life, and parents and teachers should be on the most friendly and sympathetic terms. The teachers themselves are sufferers from our method of school education, a comparatively large number breaking down physically or mentally. Many suffer from nervous exhaustion, and a certain proportion become patients in lunatic hospitals. In England, the number of governesses entering asylums, has been noticeable.

It is very clear that *occupation* must have an important bearing on the mental and physical condition of every individual. The examination of hospital reports helps to throw light on the apparent connection between the form of employment and mental disease, but these statistics must be accepted with the limitations already indicated. If we take a country lunatic hospital, we shall find large numbers of farmers, or farm laborers, and the various members of their families, contributing to the hospital population. The number is proportionately large, when we consider the natural and healthful character of the farmer's employment. The actual

relative proportion of insanity, however, is greater in the city than country, as it should properly be. The farmer's life, in New England, is often a hard one (it being up-hill work to make both ends meet), and it may also be a life with little to arouse, stimulate, or occupy the mind. Out-door work is healthful, but the farmer's food is often of poor quality; he pays little attention to the rules of health, and is the victim of dyspepsia, rheumatism and other physical ailments. The farmer's wife is sometimes an indoor slave, working day and night to accomplish her tasks, and getting little fresh air or exercise. She also suffers from lack of society, and the consequent friction against her neighbor's wife, which helps to keep her bright and interested in the world outside herself. While the farmer's life lacks the temptations and opportunities for indulgence in vice, peculiar to the city, it is admirably calculated to foster self-introspection, and a melancholy brooding over the misfortunes and sorrows which daily present themselves.

Among the working classes, there is none, perhaps, more exposed to the favoring conditions of mental disease than factory operatives. The work is in itself confining, monotonous and often arduous. Some of it is poorly paid, and it is done largely by girls and young children. The buildings in which it is done are often situated and arranged without regard to sanitary conditions. Worst of all, the amount of work required is dependent on the condition of the market, which in turn is dependent on the general prosperity of the financial world, as well as the success of the crops. A period of financial depression is sure to lead to much hardship and suffering, by reason of a greater or less number of the operatives being thrown suddenly out of employment. In England particularly, but also to a large extent in this country, persons of this class are subject to some of the smaller vices, and especially given to intemperance. In spite of the statement of Dr. Yellowlees of the Glamorgan Asylum, who says that the number of male operatives admitted to his asylum during a prolonged strike, was only one-half the number admitted in ordinary times, I am not inclined to draw the inference that lack of employment and of money are conducive to mental health. I should infer the contrary from my own observation. The less the occupation, the more poverty and domestic suffering and anxiety, I should say, would develop mental and moral weaknesses, and if sufficiently prolonged, be sure to end in a large percentage of cases of mental

impairment. In England, Dr. Tuke quotes Dr. Fergusson, who thinks that factory labor in itself does not act prejudicially, the condition of the mills having been much improved in recent years; but the free indulgence in stimulants and smoking acts very injuriously on both parents and children. Large numbers of women are employed in the mills, who must suffer at all ages from physical causes, and, if mothers, their children must also suffer in consequence.

The large class of merchants, mechanics and artisans who carry on the principal part of the business of the country, represent the best element in society, so far as a well-organized mental constitution is concerned. They possess a high degree of average intelligence, without excessive refinement or sensitiveness on the one hand, or ignorance and dulness on the other. We have a right to expect a high degree of mental stability from this class and are not disappointed. It is this class which is the most decidedly American, and which finds itself placed in comparative harmony with its surroundings. It has few bad national habits to unlearn, and is already a part of the institutions of the country. The restless energy and fertility of resource with which the members of this class are endowed, may carry them beyond the limits of discretion, however, and they break down from overwork, business anxiety, etc. They are also subject to frequent reverses, incident to the new and untried conditions of life and business, peculiar to a large, rich and recently settled country, and find in sudden and unexpected loss of fortune, a not infrequent source of mental strain leading to eventual insanity.

In regard to the learned professions, very little can be positively said; though, without doubt, the exacting demands of these professions, with the frequent difficulty of obtaining remunerative work, and a poor physical foundation to work upon, render the occurrence of insanity a frequent probability. Notwithstanding that hospital statistics often lead to wrong inferences, they are always interesting and instructive. If we look at the table of occupations of patients admitted into the Pennsylvania Hospital, of which the late Dr. Kirkbride was superintendent, we find that, of 4,557 male patients admitted in forty-one years, 488 were farmers, 437 merchants, 100 physicians, 107 lawyers, and 56 clergymen. The number of farmers and merchants, at first sight, appears small. The farmers, however, would have been more

numerous in a public institution in the rural districts, and the merchants represent strictly only persons doing a purely mercantile business. Other hospital superintendents, perhaps, would not have separated druggists, manufacturers, jewellers, grocers, confectioners, and persons of even more humble business callings, from the general class of merchants. The learned professions, at first sight, appear to figure somewhat prominently,—a fact largely explained, however, by the proximity of the hospital to the city of Philadelphia, as well as by its private character, and the high reputation of its superintendent. Taking the whole number of male patients, the proportion is not small, and certainly enough to show that members of the learned professions are, like all other classes of the community, apt to break down under a severe mental and physical strain. The number of students breaking down and becoming insane, and who would otherwise enter the learned professions, should also be taken into account in estimating the amount of insanity in this class, and fortunately Dr. Kirkbride's tables enable us to do this. We find 86 students: 23 students of medicine, 12 of law and 14 of divinity, or a total of 135 students. If we add these to the 263 members of the medical, legal and clerical professions, we find that, out of 4,557 of Dr. Kirkbride's patients, 398 were fairly entitled to belong to the so-called learned professions.

If we wish to regard another picture, we can turn to the Fifteenth Annual Report of the Connecticut Hospital for the Insane. We find from this, that in fifteen years 1,114 men were admitted, among whom there were 1 clergyman, 5 physicians, 2 lawyers and 1 student, or a total of 8. This would make a percentage of less than one, while in the Pennsylvania Hospital the percentage exceeds nine! The deception of figures is clearly shown by these instances.

In every hospital report there is always a very appreciable number put down under the head of *no occupation*. These figures are usually quite misleading, for many patients who have had an occupation in early life, or in prosperous times, but have been out of it for years, on entrance to the hospital give the old calling as their present employment. The number is always large, however, who are found to have no employment, there being 77 out of 1,114 males admitted into the Connecticut Hospital in fifteen years. Out of Dr. Kirkbride's 4,557 male admissions, there were 665 with

no occupations. The absence of occupation in this large proportion of cases, indicates the serious consequences of the lack of employment. While a small number of people of cultivated tastes and with the numerous resources of art, science and money, can live without regular occupation, as a rule, the native American or the resident foreigner is out of place unless systematically employed at some kind of business, trade or profession. Lack of employment is often an indication of mental incapacity or feebleness, and is demoralising under any circumstances of ordinary bodily health. Nothing is better for the mind than the steady strain of a proper occupation, and this should always be insisted on.

I have taken no note of the number of unoccupied women, as the larger part of those classified as having no occupation often have some modified form of employment at home, and it is more difficult to settle on what, in many cases, should be regarded as employment for women. As women take up more of the kinds of work now monopolized by men, this will become an easier matter. In this connection, it is interesting to learn, from the last English census, that the number of women working in the fields had diminished from 378,700, in 1861, to 64,000, in 1881, and the number of women engaged in professional callings increased from 96,000, in 1861, to 196,000, in 1881.

As I have said under the head of education, many young people enter into the marriage relation with little or no idea of its peculiar conditions. They may have lived at home and have observed, as they supposed, the conduct of married people, and yet have very little knowledge on the subject. It is not desirable that they should know all the trials and limitations of married life, but they should be fitted, unconsciously, if possible, for the marriage state in some ways, and they should be made to realize its seriousness, and the need of entering into an engagement with a feeling of future responsibility. Marriage must, under any circumstances, to a certain extent, be a matter of accident, but wise teachings and careful guidance, will form and develop the judgment so that it will be less liable to error. Certain customs can be established by society, which will partially obviate some of the present dangers of marriage. For instance, a fair condition of mental and bodily strength should be a pre-requisite, and no man or woman should ultimately be allowed to marry unless healthy. Many of the most serious bodily diseases are constantly transmitted by marriages

that should never have been allowed, and the transmission of moral and mental peculiarities, as we have shown elsewhere, are many and complicated. Such are the effects upon the offspring. Upon the married pair themselves, idiosyncrasies, mental and physical defects, lack of business capacity, etc., must react injuriously.

One of Dr. Kirkbride's tables, in his Forty-first Annual Report, shows the following in regard to the civil condition of 8,480 patients admitted: 2,220 males, and 1,618 females, or a total of 3,838, were single; 2,094 males, and 1,821 females, or a total of 3,915, were married; 484 were widows, and 243 were widowers. As far as these figures go, we should infer that while the totals of each sex admitted to lunatic hospitals, single and married, are about the same, more single men become insane than married men, and more married women than single women. Widows might naturally be expected to enter lunatic hospitals in larger numbers than widowers, because of the increased struggle for existence to which they would be exposed after the death of their husbands. Dr. Earle has come to this conclusion. He finds a close approximation between the numbers of the single and married of both sexes admitted to lunatic hospitals. Bucknill and Tuke think the chances of insanity greater in celibates than in married men, and regard celibacy as a predisposing cause. Consanguineous marriages have been frequently discussed in relation to insanity. I have already referred to them in speaking of the Jews. Dr. Jarvis, quoted by Bucknill and Tuke, has said that if both parents have a perfect constitution, the offspring have a double security against imperfection; *the converse being also true*. The objection (to intermarriage) does not arise from "*the bare fact of relationship*." Bucknill and Tuke refer to the success of in-and-in breeding in animals, and the successful intermarriages of some races, but do not favor intermarriage. They say that "although consanguinity in itself does not create mental disease, it is so difficult to insure the sound constitutions of the parties marrying, and of their ancestors, that the marriage of those near of kin is very often undesirable."

The conclusions to be drawn from what I have written, are in part the following: —

1. That so far as the causation of insanity is concerned, the statistics of insane hospitals are unavoidably incomplete and unreliable.

2. That the insanity of the present day is peculiarly the disease of an imperfect civilization.

3. That the foreign population of America largely increases the aggregate amount of insanity, and indirectly acts as a causal element in producing insanity in the native population.

4. That heredity, both in relation to mental, moral and physical conditions, is of greater importance in the causation of insanity than is generally supposed. And, further, that environment tends to perpetuate heredity.

5. That bad education, lack of education, and over-education, increase the number of persons becoming insane; while, on the other hand, a good system of moral and school education is a powerful influence in preventing insanity.

6. That certain occupations are more favorable to the development of insanity than others, while want of occupation is frequently a cause, sometimes an early indication, of insanity.

7. That ill-assorted marriages increase insanity; but celibate men, and probably celibate women, are more prone to insanity than the married. And, further, that consanguineous marriages are attended with too much uncertainty to be entered on except in rare cases.

V. INEBRIETY IN WOMEN; ITS CAUSES AND RESULTS.

BY LUCY M. HALL, M. D.,
Physician of the Reformatory Prison for Women, of Sherborn, Mass.

(Read Sept. 8, 1883.)

In collecting the data forming the basis of this paper, I have had in view: (1) a desire to know what are the influences under which women of the classes with which I am dealing, yield to temptation, either subjective or objective, and become drunkards; (2) the action of alcohol upon the organism, and the resultant psychical and physical disturbances manifested. In presenting the first part of my subject I do so with the belief that it is by far the more important. It is in modifying or controlling those forces which produce disease that the physician of today finds his truest and most exalted work.

In no department of medicine does this question of prophylaxis assume so high a degree of importance as in dealing with the mighty problems of inebriety; for whether a vice in the beginning, or whether attributable to the action of a diseased nervous organism, inherited or accidentally acquired, or whether produced by a combination of causes, inebriety at length becomes a disease in itself, and demands at our hands all the consideration due to any other diseased state. Moreover, as the results of this condition are not confined to the individual, but are transmissible to the offspring of the inebriate, burdening the world with beings faulty in organization, in whom the nutritive processes have been perverted from the moment of their earliest action, the necessity for the prevention of an evil so widespread and so lasting assumes double importance.

I have directed my efforts toward ascertaining, so far as possible: (1) the age at which the habit of using intoxicants is most likely to be formed; (2) associations, inducements, etc., which led to their use; (3) the condition, occupation, and place of residence at the time; (4) the intoxicating beverages first used; (5) the place where they were drunk; (6) hereditary influences.

Of the two hundred and four cases examined by me, one hundred and thirty-two were committed to the Reformatory Prison for drunkenness, fifty-six for crimes against chastity and public order, and sixteen for crimes against property. Their ages when

committed averaged thirty and one-half years. Sixty-five were between thirty and forty-one years of age, forty-nine between twenty five and thirty-one years of age, thirty-four between twenty and twenty-six years, and thirty between fifteen and twenty-one years; the remainder were over forty years of age. Fifty-six were serving a first sentence, forty-one a second, forty-two a third, and twenty-six a fourth. Of the older cases, many could not tell the number of sentences which they had received. One of them thought that she had been committed more than a hundred times. Seventy-three were married but separated from their husbands; seventy were single; thirty-nine were married, and twenty-two were widows. Twenty-seven began to use intoxicating drinks before they were ten years of age; eleven began between the ages of nine and fifteen years; seventy-four between fourteen and twenty-one years; thirty-seven between twenty and twenty-six years; thirty-three between twenty-five and thirty-one years; nineteen between thirty and forty-one years, and three between forty and fifty-one years. The average age was eighteen and one-third years.

More than one-half had formed habits of intemperance before they were twenty-one years of age, and more than one-third at the giddy ages between fifteen and twenty inclusive.

One hundred and thirty-two claimed to have drunk socially, and never otherwise; forty-seven admitted that they loved the liquor which they drank; eleven gave trouble or anger as a reason for the indulgence; fourteen were more or less ill when they began, and I regret to state that in three instances it was alleged that the appetite was awakened by the use of stimulants which had been prescribed by a physician. In the other cases, a mother, husband, or some officious friend, had recommended or urged their use as a medicine. One hundred and thirty-two began to drink with female friends, twenty-eight with male friends (twenty of the twenty-eight were the husbands of the women), three with male and female friends together, and seven alone. A few began by drinking beer in a mill or shop while taking lunch with their companions.

When the indulgence commenced, 114 were single, seventy-two married, eight married but separated from their husbands, and ten widows. Fifty-eight were engaged in domestic service, forty-four worked in mills, and fifteen in shops (usually shoe shops). One hundred and ninety-seven resided in the city, and seven in the country. One hundred and twenty-eight began by drinking beer,

thirty-seven by drinking whiskey (usually as punch at first); twenty began with wine, and eight with gin; eleven were unable to remember the beverage first used. A large number averred that they fell into habits of intoxication by first using a substance familiarly known as *tonic*.

Ninety-one began to drink at their own homes, forty-nine at the houses of friends, and sixty-four in saloons.

In but 100 cases were even the most meagre details of the family histories obtainable, but these, no doubt, may be considered to fairly represent the class. Of the fathers, sixty-seven were dead. Of these, twenty-four died of consumption, four of heart disease, two of kidney disease, one of scrofula, and one of neuralgia; one committed suicide. In several cases the cause of death was not known. Fifty-six were intemperate, eight were extremely nervous, and three were insane. Of the mothers, thirty-seven were dead. Of these, twenty-one died of consumption, three of heart-disease, one of cancer, and one of epilepsy. Thirty-one were intemperate, twenty-five were extremely nervous and three were insane. Of the brothers and sisters, fifteen were known to have died of consumption, and two of heart disease. Eight were insane and two simple. Of the grandparents, four were known to have died of consumption and two of heart disease. Two were known to have been insane. Of the uncles and aunts, thirty-two were known to have died of consumption, one of cancer, and one of heart disease. Twenty were known to have been insane. In all but eight of the 100 cases examined, were one or more of the conditions above noted found to have existed in the family. In one case — that of an extremely nervous but intelligent girl, — both father and mother were very nervous, a grandfather, brother, and uncle were insane, and two brothers were simple.

It may be of interest to add that, of these 204 inebriate women, 126 had been guilty of other crimes, yet in but sixteen instances did the first commitment of these crimes antedate the habit of drinking. Fifty-three used snuff in the mouth (in Massachusetts a habit confined mainly to the mill population), forty-three used snuff in the usual way, thirty-nine smoked tobacco, and three opium. The last-named vice is making rapid headway in New York and in many of our western cities; in Boston only a beginning has as yet been made, but a swift spread of the evil is feared. Six used opium in the usual way.

Concerning nationality, sixty-seven were Irish, fifty-two Irish-American, seventeen American, seven negro; seven of mixed foreign parentage born in America, and twenty-two born in other countries. Of the Irish-born, forty-five came to America when young, and claimed never to have used intoxicants prior to this time. To determine the actual effects upon the system of the habitual use of alcohol, is a difficult, or rather an impossible task. Boehm tells us that "alcohol must be ranked with those narcotics which, after long-continued use, leave behind them permanent and enduring changes in the bodily organs. These changes may not be recognized by the minute anatomist, but they may be known very unequivocally by persistent anomalies of function."

In classifying the cases which have come under my care, I have made four divisions, each embracing, besides its representative members, many who presented minor degrees of variation from the type of the class:

Class I. Here an unstable state of the emotions begins to manifest itself. The woman is often depressed in spirits, weeps easily, and is easily consoled. The most trivial circumstance will annoy and excite her. All the currents of her life are disturbed, and are in inharmonious relations with each other. This is partly from the action of alcohol upon the tissues of the system, partly from the moral protest which is goading the victim with a sense of the ruin in which she is becoming involved.

Class II. In this class we find the psychical disturbances more marked. The woman is apprehensive, believes that she is wronged, and imagines every one to be against her, the temper is irritable, and often uncontrollable. The moral sense is involved; the perceptions of what constitute right and wrong are blurred and distorted; purposeless lying, deceitfulness, a general absence of integrity and honesty characterize this condition; and the higher the intellect of the woman, the greater the divergence from the normal standards. The patient believes that she can easily reform, and resolves to do so without a moment's doubt or hesitation. The capacity for suffering is active, remorse being a prominent factor in the distress which so often possesses her. The eye is unsteady, and the facial muscles often twitch nervously. Gastric and intestinal disorders are common in the members of this class, and headache an almost constant accompaniment.

Class III. This is a dual class, and one in which, from the long

continued use of intoxicants, the vital processes have gradually come to "equilibrate around new centres," and the resultant conditions have assumed a degree of fixity, from this persistent abnormal adjustment of the life forces. In this class we find ourselves dealing with persons whose reasoning powers and governing impulses have little in common with our accepted standards. All the higher qualities have deteriorated. If the woman is a criminal, she has but little comprehension of the significance and extent of her crimes; if of a phlegmatic temperament, the capacity for suffering is diminished, and the impulses are less active than in either of the preceding classes. The brain and nerves seem to have been subjected to a stupefying process.

If some intercurrent disease does not end life, the patient will remain in this condition for a very long period, finally sinking into a state of complete dementia. The system in these cases seems to have established a tolerance for the poison, and the nutritive functions are less actively disturbed than in patients of either of the other classes.

In the woman of a more highly nervous temperament we find at this stage a very great divergence from the preceding type. Here the system is in a state of rebellion against the unnatural and long continued stimulation. The woman is broken, shattered, demoralized. Her condition is something which approaches to a state of permanent intoxication. Her inhibitory centres have become hopelessly impaired in structure and action; she is excitable to the wildest extreme; she weeps at nothing, and curses and blesses in the same breath; her anger is easily aroused; the discipline of the prison is irksome and often unendurable to her; she has no control over her passions or her appetites, and is often aware of this.

There are usually marked physical disturbances in these cases; headache is a prominent symptom, also, a *dreadful feeling* in the head is complained of—a sensation as though it were opening and shutting at the vertex, spinning around, or as though a tight band were about the forehead; a common expression with them is, "My head is crazy." Fine muscular twitchings and tremblings are observed, also the muscles are relaxed or wanting in tonicity. A prominent and constant accompaniment of this state is the generally lowered tone of the system. The vital forces have been consumed far in advance of the years of the patient, she often

having the appearance of being ten or even twenty years older than she really is, and her powers of exertion or endurance partake correspondingly of this prematurely senile condition; gastric catarrh or gastritis, bronchial catarrh, affections of the heart, liver and kidneys are frequent, but not constant complications. In this stage of her career death often comes to the relief of the wretched patient, and the scene is closed.

Otherwise, in Class IV., we find her parting with the last vestige of her reason, and sinking into the oblivion of hopeless dementia, tossing in her wretchedness and restlessness toward some wilder form of insanity, or, revelling in imagination in the splendors of untold wealth and boundless possessions, she goes on swiftly and surely, helpless and mindless, to the death which awaits her.

Of the 224 cases under consideration (twenty of whom could give no history), fifty belonged to Class I., ninety to Class II., forty-nine to Class III., and twenty to Class IV. Fifteen remained unclassified, having not yet reached Class I. Seventy were considered to be dipsomaniacs, in the restricted sense, *i. e.*, of being the victims of a morbid and uncontrollable appetite for stimulants, the result of long indulgence, in most cases. When admitted, forty-one were suffering from acute alcoholism, and five from delirium tremens. Eleven were epileptics, fifteen had heart disease, sixteen disease of the liver, ten disease of the kidneys, nineteen had bronchitis, forty-eight uterine disease, twenty-one rheumatism, five phthisis, and four asthma. In none save the first two conditions mentioned, could it be absolutely shown that alcohol produced the disease.

In conclusion, I would call attention to a few prominent facts, foremost of which is this: that in girls of the laboring classes, habits of inebriety are most likely to be formed while they are still very young, and that, almost without exception, association is given as the cause. Over and over again the story is repeated: "I got to going with a girl, or a lot of girls who drank, and so I got to drinking myself. I never should have drank, and I shouldn't drink now, if it wasn't for company." That so many of our young working-girls are becoming drunkards, drinking openly at the bar of a saloon with their companions, is a most serious matter, and points to a most degraded state of the social standards among them. When we consider that nearly one-fourth of all those who have been recorded here were at work in the factories

when they began to drink, and that fully two-thirds of all were led to the habit through the influence of those who were, or had been thus employed, we cannot but conclude that mills are the great *foci* in which drinking and dissolute habits are formed, and from which extend the influences that are leading so many others to ruin. Nowhere is there an active work of reform more needed than among the mill population of our State. Those who know only what were the social conditions there twenty or thirty years ago, can form but an imperfect idea of the depravity and disorder which now prevail in these localities.

Many of the married women who, living in their own homes, formed habits of inebriety, did so by "neighboring" with each other, beer being brought in, or sent for by one of their number who drank, and soon the indulgence became general. One old female toper in a neighborhood may be looked upon as a common centre of contagion.

With regard to the present condition of these inebriate women, little need be added to what has already been shown. Not one in Classes III. and IV. but has passed the limits of moral responsibility.

We hope the day may come when by a wiser and more humane legislation, these unhappy outcasts may be protected from themselves by surveillance and control, not penal nor unnecessarily disgraceful, but absolute, without limit, and modified only by positive and continued evidence of reform in the sufferers. In no other way can the degree of usefulness of which they are capable, be conserved, and their impending ruin averted.

VI. THE DISEASE OF INEBRIETY AND ITS SOCIAL SCIENCE RELATIONS.

BY T. D. CROTHERS, M. D., HARTFORD, CONN.

(Read Wednesday, September 5, 1883.)

It is impossible to approach this subject from any side of exact science, without a feeling of awe, and a consciousness that we have come to a great "Dark Continent" which borders and crosses the path of human progress. The confusing theories, superstitious notions, and widely varying efforts to prevent and cure this evil, all deepen the impression that this is one of the greatest political and social science topics of the century. A view of the subject from this point, brings out many facts of great interest.

Inebriety, in any view, means bankruptcy of body and mind, and not only destruction of the individual, but of his race, in this and the next generation. The term includes a vast army of persons recruited from all classes, and changed from producers and law abiding citizens, to consumers and disorganizers of society. The number of inebriates has been variously estimated at from two to five hundred thousand in this country; which, in all probability, is an estimate approximately correct. The most prevalent theory which explains the presence of this vast army of inebriates is, that drunkenness is a vice and moral defect; a spiritual disorder that is curable by conversion, by the pledge, and by rousing up the will power. It is a curious fact, that this theory is a striking repetition of history in the efforts to treat insanity as a moral depravity and possession of the devil. The same spirit of the past would ascribe to all mystery a spiritual origin. A wider study of inebriety shows that it comes from conditions that are physical, not moral. Instead of the heart being deceitful and desperately wicked, there is a diseased and defective organism. Inebriety is closely allied with the rush of civilization, and becomes more prominent where this is most intense. Seen nearer, inebriety is clearly an expression of the inability of the brain force to keep pace with the revolutions of thought, the changes of occupation and surroundings.

In the struggle of mind over matter, and brain over muscle, all intellectual development is exotic unless associated with physical growth along the line of natural laws. Hence, inebriety, insanity, and other nervous affections are marks of failure, and penalties

that we pay for ignorance and neglect. The fact is well established that inebriety, insanity, idiocy, pauperism and criminality, are interwoven together,—all branches of the same family, and all increasing. In a large proportion of cases, inebriety is the primary affection from which the others spring; and if it were a moral disorder, it would diminish with the growth of morality and intelligence, but, notwithstanding the advance in these directions, it is rapidly increasing. The revenue returns for a quarter of a century bring out this fact clearly. In 1862, the revenue collected from liquors was six millions; in 1882, it had reached eighty-six millions, an increase far beyond that of the population; yet this does not indicate the enormous increase in sales by the local dealer, of which there are no records. Other evidence is found in the statistics of police courts and commitments to jail.

It is a fact of historical interest that inebriety was recognized as a disease long before insanity was thought to be other than spiritual madness. An old papyrus found in one of the tombs of Egypt, dating far back into antiquity, appears to give a clear recognition of the disease of inebriety. Herodotus wrote, four centuries before the Christian era, "that in drunkenness, both body and mind are sick." Diodorus, Plutarch, Chrysostom, and Ulpian, the Roman jurist, all clearly wrote of the disease of inebriety, before and after the beginning of the Christian era. From that time down, this view was mentioned here and there, until Dr. Rush, in 1790, brought it into great prominence.

By a strange shifting of events, insanity, which was supposed to be a spiritual affection until a comparatively recent date, is now studied as a physical disorder, while inebriety, which was regarded as a disease twenty centuries ago, is still invested with the superstition of a spiritual origin. At last, within a quarter of a century, it is beginning to be recognized in this country. But the same old battle is being waged about it which every new truth of science has had to fight.

The disease of inebriety may be termed suicidal insanity. It is an affection of the central nervous system, in which the dominant insane impulse is to use certain narcotic agents for their effect, irrespective of all consequences. The physiological and pathological state is one of exhaustion, for which the drug used, masks and intensifies every condition. In most cases, a state of defective brain exists before alcohol is first used, and this agent developes

the defect into full disease. The craving for alcohol is a false demand of the disordered governing centres which begins at a certain point, and marches down in a regular order of events. Like the switch on the main track of a railroad, it is the point of departure from which inebriety begins. This is the place where certain physical conditions act to turn the current of life into the side track, to switch off the train of health from the through line.

Heredity is one of the most prominent physical conditions, which becomes a switch point in the history of the case. It is estimated that over sixty per cent. of all inebriates inherit a defective brain and nerve organization. Consumption, insanity, pauperism, and many other effects, all spring from this source and follow each other. Thus, the parents who are inebriates or insane, will be followed by inebriate or insane children. Consumption, criminality or pauperism, will appear in the children of inebriates or insane. When any one of these affections are present in the parents, some other form of these disorders, or the same, may appear in the children. Moderate drinking always leaves an impress on the next generation in defective brain and nerve organization. In heredity from inebriety there is transmitted a special nerve defect which, from certain exciting causes, will always develop into inebriety, or one of its family group of disorders. In moderate drinking and inebriety there is an absolute certainty of the transmission of physical and mental defects which will break out in some form of disease, confirming the statement that the sins of the father are visited upon the children unto the third and fourth generation.

Another prominent switch point in the causation, is injury to the brain or spinal cord from blows, shock and disease. For instance, a blow on the head, an injury to the spinal cord, or a wound in any part of the body, or else hemorrhage or acute disease, which have left a profound impression on all the organs, and from which recovery is slow, is often followed by inebriety, beginning with a craving for spirits to relieve a sense of exhaustion. Another form of injury that is obscure, but equally prominent as a cause of inebriety, is mental shock,—that is, the effect of sudden grief, alarm, loss, sorrow, or any great emotional change, which has in some way deranged the balance of the system, bringing an obscure nerve paralysis, and a form of suffering that finds relief in the narcotic effect of alcohol. This series of causes are numerous

and have not attracted attention yet; but they explain clearly many mysterious cases, where previously temperate men have become inebriates after some great loss or suffering.

Under the general terms *strain* and *drain*, are found a great variety of causes that bring on inebriety, as seen in the army of overworked and underfed men who are strained mentally and physically, who live and work in the most unsanitary ways and surroundings. Alcohol taken as bitters, or in any form, is a most seductive narcotic, quieting the protest of the abused organs; exploding a train of disease, or developing one under a mask of restoration. These are only intimations of the vast chains of physical causes entering into all cases of inebriety; and the use of alcohol is only a symptom.

When the symptoms of inebriety are grouped and studied together, it is found that they are all alike, and follow a uniform progressive march from stage to stage. That is, notwithstanding all the obscurity, the halts and changes in the progress of the case, they all follow the same road, pass the same bridges and reach the same terminus. This is not a matter of accident or chance, but the action of some physical laws that will be known and studied in the future.

Another fact seems to be indicated from a great variety of evidence, existing as yet merely in outline, but still sufficiently clear to be recognized: viz., that inebriety moves in waves and currents, or, like an epidemic, prevailing for a time with great activity, then dying away; it is both endemic and epidemic at times. The statistics of persons arrested for inebriety, extending over a long period, indicate certain years in which it prevailed to an alarming extent, then declined to a minimum. This tide-like movement is sometimes well defined, then obscure; but through it all there appears a progressive regularity that is significant of some great laws and forces. In 1879, Dr. Westphal read a paper before the Medical Society of Sweden, which showed from statistics that, in 1874, a maximum period or high tide of inebriety took place in that country. From these statistics he showed that this tidal movement had gone on progressively for a period of seventeen years, reaching its highest point in 1874, then receding in about the same ratio at which it had begun, very like the movements of the planets, passing the perihelion and starting back to the aphelion of their course. It appeared also that the mortality from

inebriety reached a high level or point at this time, and was also declining. Lunier, of Paris, in a study of delirium tremens from hospital statistics of France and Germany, found that a period of the highest mortality had occurred in 1876, and declined from that time. Dr. Morris, of Australia, found from statistics that an inebriate wave had reached a maximum point in 1862, and declined from that time to 1874, when the record was made. In different sections of England a similar wave was noted (from statistics) to occur about 1881, and from that time to decrease. In Massachusetts, the convictions for inebriety seemed to have risen to a high point in 1873 and in 1875, and to have declined from that time. Mr. Bourne read a paper before the English Statistical Society in 1882, on the *national expenditure upon alcohol*.

In a history of the progress of consumption of spirits from 1857 to 1881, it was found that from 1857 to 1876 there was a progressive increase of spirits used each year out of all proportion to the growth of population. This increase was regular following some unknown law of progression up to its point of maximum intensity in 1876. From this time a similar progressive retrograde march has set in, and each year since a steady ebb backward is clear from statistics. This is confirmed from the revenues levied on grains, sugar and molasses, converted into spirits, which, in 1876, were larger than ever before, and has steadily declined from that time. This is an additional evidence of this wonderful cycle or drink orbit.

These are some of the hints of great unknown laws which govern the march of inebriety. If future studies should confirm these statements, they would explain the strange temperance revivals which spring up from the slightest causes and sweep over the country, dying away with the same mystery and suddenness. These wave-like temperance movements, which are felt in all societies, in churches and legislative halls, are more than the first rumblings of a great revolution of public sentiment. They are the reactions of inebriate waves, or the backward swing of the pulse of public opinion from some high tidal point of inebriety. The same principle runs through all nature,—the struggle and effort to adjust the lost balance of forces, to neutralize and remedy the wrong. The temperance movements are psychological and controlled by law, not accidents or chance conditions. This is a frontier line of scientific investigation, and who can tell what future studies in this field will reveal?

An exact study of all the facts concerning inebriety will show that it is preventable, and can be diminished or cured as positively as other afflictions. What can be done in a single instance is evidence of the possibility from a wider application of the same forces. In prevention, the man who inherits an inebriate and neurotic disposition, or a defective brain and nerve organization, can be taught to avoid all the conditions of life which favor the growth of this disorder; he can be taught to avoid alcohol, and every form of mental strain or drain. Children from inebriate, insane, or defective parents, require a special education, and if left to themselves and the present educational methods, will certainly be wrecked. It is a fact beyond all doubt, that the education of today, applied irrespective of the natural capacity of the person, and along unphysiological lines, literally destroys and unfits a large class for healthy and rational living. Often the ignorance and ambition of parents, who are educating and pushing their children into positions of life for which they are unfitted, is the direct cause of an early decay, of which inebriety, insanity, and kindred affections are the symptoms or expressions. There is a strain on the organism unfitted by nature or education to bear it; and thus education, instead of developing and strengthening the body and mind, literally weakens and makes it more incompetent for the duties of life.

Thus it is clear that prevention through education, teaching the sources of danger, and the surroundings and conditions of life, by which it can be avoided, is a thoroughly rational and practical door of escape. In the same way we can prevent fevers by removing the causes and conditions from which they come. Inebriety can be diminished and controlled with the same certainty as small pox, or any contagious fever. The principle is the same, viz., to remove the causes, and quarantine the victim, in the best possible conditions for returning health. To take away alcohol is only to remove one factor; the physical conditions which call for it must also be removed. If the man is in health, and living a natural life, alcohol is never demanded; it is only when the vigor and quality of the brain are impaired that alcohol comes in. Here it is a question of physical causes, known and unknown, and no theological mystery. The social science problem (in which the prevention of the loss and suffering to society is concerned), thus opens a field of absorbing interest. The perfection and development of society

turns on the number of its diseased and defective members. Society is elevated when the number of these diseased persons is diminished, and is likewise lowered when this class increases. The miseries and burdens which come from these sources are always a source of peril to property, to law and order. These are general principles, truisms to this Association, and serve to bring out in more startling contrast the presence of inebriety. The various authorities, who have estimated the number of these defective classes that are traced directly to inebriety, have varied widely, thus clearly showing that the facts are not all in yet. These studies have placed inebriety as the active cause of from fifteen to fifty per cent. of all insanity, from thirty to eighty per cent. of all idiocy, from sixty to ninety per cent. of all pauperism, and from fifty to eighty-five per cent. of all crime. These are the highest and lowest estimates, and indicate, beyond question, that inebriety is one of the most prominent causes in the development of all these disorders. The mortality from this source is a farther confirmation, and, no matter what the exact figures may be, its magnitude and prevalence come under the observation of every one. Every society and community furnish the most startling illustrations to the exact observer.

Here, we can realize the forces at work from which a large part of the burdens and miseries of society spring; burdens and losses that are not limited to this generation, but are perpetuated into the future. This vast army of inebriates and defective persons are the certain promise of a similar tide of misery, sorrow and loss in the future. The neglect to care for the inebriate, or to remove the conditions from which he springs, will be seen in the increasing number of criminals and paupers, and in demands for new insane asylums in the future; in the same way that neglect of all sanitary conditions about our homes, and of healthy living, will surely react in disease somewhere in the future. Thus, the evils we deplore, and the burdens we are called to bear, are growing up in our midst, and the seeds of all these evils are cultivated and springing up as surely as the oak follows from the acorn. Science indicates clearly that inebriety is both a curable and a preventable disorder which should come under medical care and control as much as yellow fever or cholera. The injury to society from this source has been recognized for a long time, and legal efforts to diminish and control it, are matters of more than passing interest.

The law assumes the correctness of the theological theory of inebriety, which affirms it to be a vice, and one phase of a wicked and vicious heart. The remedy of course is punishment by fine and imprisonment; the practical result of which is to produce the very effects sought to be removed. It is the universal experience of judges and prison authorities, that the punishment (by fine and imprisonment) of inebriates, never cures or prevents drinking, but, on the contrary, weakens and enfeebles the victim, rendering him less curable. Very much in the same way, the punishment of insanity and witchcraft always made its victim worse. In 1879, Massachusetts punished by fine and imprisonment, 14,000 inebriates, and in New York, in 1880, 54,000 commitments for the same cause were recorded. If these were all cases of the first commitment for this cause, it is the universal testimony of the best judges that ninety-nine per cent. of all these cases would be returned to prison for the same reason, sooner or later, while over seventy per cent. will merge into paupers and criminals. Thus, the object of this treatment, (to cure the victim, and prevent others from falling in this way,) is not accomplished, but the very opposite conditions are increased and intensified. The startling fact is sustained by the best evidence, that the legal treatment of inebriates, actually builds up and strengthens this disorder, and makes its victims more thoroughly incurable. Some of the reasons for this will be apparent in a review of the facts. The inebriate is always debilitated, and suffers from impaired brain and nerve force. Alcohol has broken up all healthy action of the body. In the prison treatment, both the quality and quantity of the food are ill adapted to restore or build up the weakened organism. The hygienic influences of jails and prisons are wanting in every respect, and adverse to any general healthy growth of body and mind. The psychological and mental influences of the jails are of the worst possible character for health. The surroundings and the associates precipitate the victim into conditions of mental despair, from which recovery is difficult. The only compensation to the inebriate is the removal of alcohol, and the State, in doing this, most terribly unfits him, and makes him more and more helpless for the future.

Thus, while civilization is one of the sources from which inebriety is produced, the blundering effort to remove it by penal treatment is an actual factor to intensify and increase the disorder. The treatment of inebriety from a scientific point of view, has

passed the stage of experiment, and is supported by a great variety of experience and collateral evidence that is not disputed. Probably the largest class of inebriates in this country are without means of support, and may be termed the indigent and pauper class. They are more or less non-supporting, and becoming burdens on the community every year, and on the tax payer. This class should all come under legal recognition, and be committed to workhouse hospitals, built for this purpose in the country, on large farms in the most favorable surroundings. These hospitals should be training schools, in which medical care, occupation, and physical and mental training could be applied for years, or until the inmates had so far recovered as to be able to become good citizens and self-supporting. Such hospitals should support themselves from the labor of their inmates, having been built from moneys received from a tax on the liquor dealers, or a license fund, independent of the tax payer or of State support.

These places would receive the class who are now sent to jail, and those who are neglected until they have passed into chronic stages, and become inmates of prisons and insane asylums. A very large proportion of these persons could be made to support themselves while under treatment, and, in some instances, do more. The hospitals would naturally divide into two classes. The first would receive the better or less chronic cases, and the second would have the incurables, and those whose recovery would be more or less doubtful. In one case, the surroundings and discipline would be more adapted for the special inmates than in the other, but the same general plan of treatment would be followed in each.

In the one, recoveries would follow, and a large class would be restored to society, and become producers; in the other, the cases would be housed, and made to take care of themselves, which would be an immense gain to society of itself. Private enterprise should be encouraged by legislation to provide small hospitals for the better class, and those who would not be willing to go to public asylums. Here, the commitments should be both forced and voluntary, and the restraint combined with the fullest appliances of science for the end to be accomplished, blending seclusion, good surroundings, and every possible means to build up and make recovery possible. Such places would attract the overworked business and professional man, the clerk or the artisan

who is on the borders of inebriety, and who would find relief, rest, and help, long before it was too late. Without the publicity of a large asylum, they would always attract a class of persons, who need rest and quiet, in the best hygienic surroundings and conditions of living; also they would attract the benevolent, and might receive large endowments, because founded on the principle of helping those who help themselves. All would be conducted on the same general plan, only varying in minor particulars to meet each class of cases.

The first step is to recognize the fact, that the inebriate, whether continuous or periodic, has, to a greater or less degree, forfeited his personal liberty, and become a public nuisance, and a great obstacle to all social progress and civilization. Then that he is suffering from a disease whose influence affects society, and every member of the community in which he lives, from which he can not recover without aid from other sources; making it absolutely necessary that he should be forced into quarantine on the same principle as a small-pox or yellow fever case. It is simply carrying out the highest principle of self-preservation, to take care of this class, and thus protect them and the community in which they live.

Most naturally the means to accomplish this would come from the license revenue, on the principle that every business should provide for the accidents and injuries which follow from it. Railroad companies and other corporations are required to pay damages for the accidents which follow their business, and this is conceded to be justice! but today the tax on the liquor traffic is used to support courts and jails, where the inebriate, by fines and imprisonment, is made worse and more incurable. Thus literally the business of selling spirits is increased, by the almost barbaric efforts of courts and jails, and every person so punished is made a permanent patron of that business. Against this all the teachings of science, and all practical study, utter loud protests. The practical success of Work-House hospitals for inebriates is demonstrated in every self-supporting jail and state prison in the country, where the obstacles are greater and the possibilities of accomplishing this end more remote; also in asylums of both insane and inebriate, and the many varied sanitariums and hospitals all over the country, where the capacity of self-support, and the curability of these cases are established facts. More than that, these hospitals

would relieve society of great burdens of suffering and loss; and the diminution of insanity by treating the inebriate would become a practical certainty, the extent of which we can have no conception of at present. It is impossible at this time to conceive the practical results of housing and treating the inebriate, but there are positive indications that its effects would be felt in all circles. One of the great fountain heads of insanity, criminality and pauperism would be checked, and a new era would dawn in the evolution of society.

These are some of the teachings of science, which like lights along the shore, stand out clear and unmistakable above the fogs of ignorance and doubt. These are the great "head-lands" from which a knowledge of the laws and forces must begin, and lines along which we shall find out the sources and forces developing inebriety and the vast armies of the defective classes, and the means to prevent and cure them. The practical bearings of this subject are as yet in their infancy. We have not crossed the frontier lines of research. To the scientific man, the possibilities of restoring the inebriate and stamping out inebriety, to a large degree, is only limited by our want of knowledge of the laws and means to accomplish this end. We pause on the confines of this almost unknown realm of social science, and looking over into the darkness before us, we are assured that the same eternal reign of law and order exists there, of cause and effect, of circumstances and conditions, of positive physical forces, the same which develop the typhoid fever case, the consumptive, the idiot, the pauper, the insane or the inebriate, obeying some unknown germ force, but always following a line of laws as fixed and eternal as that which governs the planets. Along this border line science is gathering her forces, and no one can predict what facts and discoveries will be made in the future.

My purpose would be unaccomplished did we not enter an earnest plea to lay aside all theories of religious teachers and reformers, and examine inebriety from the side of exact science. To demand the facts concerning the physical conditions and circumstances from which inebriety springs, and when these have been gathered from many sources, by many accurate observers, then we shall have data from which to determine the laws and means for cure and prevention. Like a problem concerning the stars above us, our only approach to its solution is along the line of

accurately observed facts; studied in this way, inebriety and its remedy will be no mystery.

A summary of some of the facts mentioned will bring out the subject more clearly. (1.) Inebriety as a disease, was noted in antiquity, and has ever been considered a form of insanity, marked by a progressive march or order of events, from certain physical causes, on to death.

(2.) The march of inebriety is in waves and currents controlled by some unknown law, clearly within the range of a wider knowledge to prevent and remedy.

(3.) The treatment of inebriety by penal methods is disastrous to the victim, actually intensifying and making the disorder more incurable.

(4.) Physical treatment and isolation in special work-house hospitals, where the best conditions of physical and mental health can be applied and maintained for a long time, give the largest promise of cure and permanent restoration, and are the means suggested by nature and scientific study.

(5.) As a question of economy, simply, it would be an immense gain to the tax-payer and society to thus quarantine these persons, and make them self-supporting. This is a fact whose practical character is well assured in many ways.

(6.) No progress can be expected in the solution of this problem until the subject is studied from a higher point, and as a question of fact, and along the line of great natural laws.

VII. HOUSE-BUILDING WITH REFERENCE TO PLUMBING AND HOUSE-DRAINAGE.

BY GEO. E. WARING, JR., OF NEWPORT, R. I.

(Read Wednesday, September 5, 1883.)

So many changes have been rung upon the scale, that it is difficult not only to say anything new about house-drainage, but to say old things in a new way. The only justification for further reference to the matter, save for a few recent modifications, is to be found in the injunction, "Line upon line and precept upon precept."

While the community is much exercised concerning sewerage and house-drainage, and while the subject is one of interest and of frequent discussion, it is, thus far, very imperfectly "formulated" in the public mind. All are agreed that their towns and their houses should be well drained; bad sanitary condition is a universal bugbear; ailments of all sorts are eagerly ascribed to mechanical sanitary defects, and zymosis is the fetich of the day. Despite all our enthusiastic conviction, however, we are willing to make but little sacrifice to secure immunity from what we so greatly apprehend; we prefer to eat our cake and have it too.

It is not possible, in the present state of the art of house-draining, to have a stationary washstand in every bedroom of the house, a bath, sitzbath, water closet, urinal and washstand in each of several bathrooms on every floor; to have a slop-hopper in every dark closet, with sinks and laundry trays and servants' closets scattered here and there at whim, and at the same time to protect the household against all of the possibilities of "bad drainage." A most important step in sanitary reform is to be sought in the subjection of house building fancies to sanitary security. In this case "security" is very largely a synomyn of "simplicity." It is convenient, of course, to have water supply and waste pipes at every turn, but here an excess of convenience is to be purchased only with an increase of risk. In old houses, which are to be altered, or into which drainage works are to be introduced, it is not always easy to bring plumbing within a compact and easily inspected compass. Pipes must pass through rooms and passages where they must be covered from sight, and under floors where they must be covered for convenience. Long horizontal runs are

not always to be avoided, and generally we are reduced to making the best of a bad job. In this case, especially, the judicious builder will hold a firm rein on the desire for a luxurious diffusion of conveniences.

The architect has, as a rule, not been a leader in sanitary reform. He is sometimes too slow to give up his old habit of leaving the details of plumbing arrangements to the plumber. Though not the first to move, and though still slow, he is now beginning to realize that, in addition to his multifarious and important other duties, he must, in response to a growing popular demand, and in obedience to better understood requirements, take an immediate and direct control of at least so much of the plumbing as relates to the removal of waste matters from the house. Those engineers who have devoted themselves to sanitary drainage, have been and still are, almost as useful as they have been aggressive; but their most important office relates to the creation and direction of public opinion, leading to a demand for improved methods and for improved control on the part of architects and plumbers.

Our best hope for universal reform must depend almost entirely on this; a professional sanitarian will not be consulted in one case in a thousand, nor will his advice be followed, without the approval of the architect and plumber in one case in a hundred. He has performed very well, — one is almost tempted to say, overwell, — his duty of arousing popular apprehension. His future useful influence will be largely exerted in calling attention to matters of detail, and in marking out the general lines which the architect and plumber are to follow; in this work as in that which he has thus far done, he must look for the means of enforcing his teachings to the apprehensive intelligence of those for whom houses are to be built or remodelled. There are several principles which should always be kept in mind. These have become so trite that one almost hesitates to restate them. They are these:

The production of waste is an inevitable incident of human life. The excretions of the person, the discarded portions of food, the water of ablutions and of the laundry, and the various organic dust and offal of the household are all of them liable to become a nuisance dangerous to life unless properly removed. They are rarely dangerous when first produced, but they become increasingly dangerous and offensive as they enter into the decomposition, which is the fate of all discarded organic matter.

This refuse must, in one way or another, be removed before decomposition develops its power for mischief. Whether the rough garbage of the kitchen, the drippings of the sink, or the dejections of the body, all must in one way or other be, sooner or later, removed from our presence, the earlier and the more completely the better. It is hardly worth while to occupy time in the enforcement of this general principle; it is worth while to call attention to the fact that there can be no perfect sanitary condition unless removal is not only prompt but complete. Within certain limits, it is true that filth is objectionable in proportion to its volume, but very limited volumes may become pernicious, and even such traces of filth as adhere to the walls of receptacles and of outlet channels, have sufficient capacity for mischief to command careful and serious consideration.

In applying these remarks to existing domestic conditions, we shall be justified on this occasion in confining our attention to houses which are to be provided with reasonable completeness with what are known as "modern conveniences." So far as garbage is concerned, it is enough to say that there has been, thus far, no general adoption of a civilized method for its removal.

When we speak of the drainage of a house, or of its sanitary condition, we generally have in mind the manner in which it is relieved of such of its waste matters as can be transported in running water, and it will suffice now to consider the methods by which such removal may best be carried out, including in our review the character of the receptacles into which the wastes are discharged, whether sinks, slop-hoppers, or water-closets.

Regarding the waste-pipe, the first and simplest rule is that it should be of such material, and so constructed, that it will permanently carry away all water that may reach it. This has always been understood. The next is, that the joints of this conduit should be secure, not only against the leakage of water, but equally against leakage of air. This rule has been understood, theoretically, for a good while, but practically, it is rarely adhered to. I have tested few soil pipes under a head of water, in which leaks through imperfect joints have not been developed.

The interior of the conduit should be as nearly as possible in the same atmospheric condition as the air outside of the house. That is to say, there should be a constant circulation to facilitate the rapid decomposition of the inevitable sliming of the walls, and the

immediate dilution and removal of the gaseous products of such decomposition. In working toward this condition, we first carried up small vent pipes from the tops of our soil pipes; later, we continued the pipe full bore to the top of the house; later still, we introduced a supply of fresh air at the foot to maintain a complete circulation; and, last of all, we enlarged the soil pipe at its top to increase its draft.

As with the conduit itself, so with the receptacles and connecting pipes leading to it. These should be sufficiently ventilated in every part, and all closets and sinks of every sort should be so freely exposed to the open air that no suspicion of "closeness" can ever attach to them.

At every point, the water used for the transportation of the wastes that are to pass through our pipes should be used in the most effective way. A thread of water running from an imperfect faucet is, practically, of no value whatever It follows a narrow and uncertain course along the side of the soil pipe, or drain, with no power to wash its general surface and with no power to remove accumulations. It is pure and unadulterated waste. Incidentally, it may be said that in very many houses, its total volume is far greater than that of all the water used, and that in many towns, including New York city, the aggregation of these ineffective dribblings is almost the sole source of insufficient water supply. It is hardly practicable under any ordinary head, especially on the upper floors of houses, to deliver into a water closet, or into a slop hopper, or sink, a sufficient stream of water to secure the efficient cleansing of its waste pipe. It is in this direction that one of the most important of modern reforms is being exerted, working rapidly toward a most effective improvement in the whole practice of house drainage. The watchword of our best present movement is the word "Flush"! It will not be long, we may be sure, before it will be universally understood that after pipe ventilation, the great secret of good drainage lies in the use of abundant volumes of water delivered in a mass along with each contribution of filth. A perfect system of drainage and water supply would be one where at all ordinary times, not a drop of water flowed through the outlet channels, only occasional dashes of several gallons lubricating the walls of the pipes and carrying along completely and with velocity, substances which, under the old system, smeared their sluggish road along the pipe, and left material for infectious decomposition at every step.

However perfect may be our channels, and however complete and instantaneous may be our flushing, we see as yet no way, nor are we likely to see a way, by which the insidious effect of the slight local decomposition within the drainage channels may be entirely obviated. Even were it obviated by the application of devices of which we, as yet, have no knowledge, there would still attach to our drains at least the suspicion of unpleasantness. For this reason our receptacles of waste matter must be shut off or sealed from the interior of the drainage system by the most perfect and continuous means of separation that can be secured. Here is a point on which I find myself, unfortunately, at variance with most of the authorities, and I confess, that while I have little faith in the almost universal specific of trap ventilation, I am by no means clear as to the best substitute for it in all cases, only clear that a substitute *must* be found. In my opinion, all that we can safely say is that, in one way or another, either by a permanent and secure water seal of good depth, or by the interposition of mechanical obstacles to the return of the air of the drain, we must manage in all cases to separate the air of the soil pipe from that of the interior of the house. While no universal recipe can be furnished for this, there is no case in which, by one means or another, the desired result cannot be obtained.

In the foregoing review of the requirements of a properly constructed drainage system we have an indication of all that is absolutely essential to compass. In the treatment of the various points referred to, the cardinal rule of great simplicity should ever be borne in mind. Drainage works may be introduced into a house in such a manner as to be to all intents and purposes, absolutely safe. The shade of apprehension which they may justly cause, is, in the case of simple and well arranged work, practically not to be considered. It is, however, a case suggesting something like the mathematical expression, "inversely as the square of the distance." If a certain amount of piping is in the least degree dangerous, twice that amount is four times as dangerous, and four times that amount is sixteen times as dangerous, and so on, — not absolutely, of course, but relatively. In other words, while we make all of our drainage works as perfect as possible, let us limit ourselves in all cases to the very smallest amount of piping, the least amount of ramification, and the smallest number of water-closets and other vessels, consistent with reasonable convenience.

A stationary washstand in a bath-room, having a short and well-flushed connection directly with the main soil pipe, need never be objected to. A stationary basin ten or twenty or thirty feet distant, with a long connection pipe should always be avoided. The luxury of an abundant flow of water in every bedroom, seems at first blush to be worth all its cost. If we mean cost in money, this is true; if we mean cost in risk, it is by no means true. Practically, it is one of those luxuries in which no considerate person appreciating all the bearings of the case, would think of indulging himself. One of the leading arguments of the trap-ventilation school is that such ventilation leads to the complete æration of long lateral wastes. My remedy would be to abandon, as we always may, in new work, the use of long lateral wastes. I should give an abundant supply of water at one convenient point on every floor. In larger houses, where bathrooms and water-closets may be required at considerable distances from each other, I should give each its independent soil pipe. Wherever a soil pipe was constructed, I should permit a good deal of license as to the conveniences in its immediate vicinity. But the moment the question arose of giving a washstand or a sitzbath or a urinal to an apartment, even ten feet away from the soil pipe, I should exert all of my authority and influence in opposition to it. I should even oppose too generous a distribution of soil pipes themselves, bearing always in mind the cardinal principle that the more we concentrate our discharge of wastes through single channels, the better. One water closet is better than two if it will afford reasonable convenience. A bath waste is kept in better condition, the more frequently the contents of the bath tub are discharged through it; therefore, the fewer bath tubs the better, and so throughout the whole range of plumbing appliances. Many "sanitary engineers," and more plumbers, will tell their clients that this is pure theory, and will advise, or consent to, a wealth of conveniences all about the house. Plumbers are proverbially slow to learn, but they learn, nevertheless, and they will in due time accept the pure theory as the wisest practice. Their clients will do well to anticipate them.

My own present idea is, that if we get rid of lateral waste pipes longer than are needed for the connection of the most distant fixture in a bath room, there will be a sufficient change of the atmosphere of these pipes, resulting from their open connection with a

thoroughly ventilated soil pipe. Assuming this to be so, then the question of traps is the only important one that is not yet satisfactorily solved. As I have already indicated, I do not regard the system of "back ventilation," or the venting of water-seal traps, as satisfactory. Although accepted and vigorously recommended by well known authorities on house drainage, it seems to me only a make-shift, and a make-shift that is attended with possible dangers, at least equal to those which it is intended to remove. Mechanical traps are a make-shift also, though, on the whole, much less objectionable than the venting device. So far as I can judge, from all that has yet been said and done, the best solution of the difficulty will be, if it can be made practicable, to allow the use of no trap of any kind, nor in any position which is not in full view whenever the fixture is used, — excepting, perhaps, certain subsidiary traps on kitchen and laundry wastes. If we can trap our wash-basins in such a way that the top of the water seal shall always be in view on looking into the bowl, and our bath-tubs in like manner, we will, I think, have secured the necessary safeguard, and we will have gained the further advantage that persons of tidy disposition will see to it that a sufficient amount of fresh water is always passed through them to ensure their constant cleanliness. In its present position, the trap of a wash-bowl is out of sight and generally out of mind. Unless frequently and copiously used, it becomes the seat of a decomposition which makes it an offensive neighbor. The question of overflow pipes for wash-bowls is still to be solved, and it cannot be denied that a wash-bowl overflow is almost universally a nasty thing. Bath-tubs may be, and in the best work they generally are, provided with standing overflows, which are quite free from objection; so far as I know, they are the only ones that are free from serious objection. In the case of water-closets, it seems to me now entirely feasible, and most important, to insist that there shall be no trap used in connection with it, except in the bowl itself or in the outlet pipe, within plain sight from the bowl. There are now to be found a goodly number of closets of this character, beginning with the very simple and efficient plain hopper. I think that all of the side-plug closets, of which the old "Jennings" is the type, should be rejected. If we retain closets of the old "Brahma" pattern, in which the water is held in the bowl by a valve at the outlet, we should make sure that this valve will be permanently efficient, so as to justify the entire

abolition of the water seal trap below. Invention has not yet gone very far in this direction, and we are only at the threshold of the success that is in time to be attained; but we have gone far enough to demonstrate, in my judgment, the absolute wisdom of rejecting, not only the pan closet which all condemn, but the whole range of devices, which depend for their separation from the soil pipe on a trap of which the water is not in full sight.

Another point to be considered, is the almost universal advisibility of abandoning the use of slop-hoppers, constructing the water-closet in such a manner that it may serve the double purposes in the most perfect way, — that is, by setting a clean earthenware closet bowl on a tiled floor entirely open at least, to the front, with its cover so arranged as to facilitate ventilation as much as possible. The whole business of close carpentry about water-closets, used in connection with lead flashings, or the much better earthenware tray at the top, ought to be abandoned for good and all.

Again, all the devices for arresting and storing the grease of kitchen and pantry sinks with a dependence on hand cleansing, that is, the old system of grease traps, should also be discarded. In one way, or another, it should be provided that the waste of the sink shall all be retained in a mass until a considerable quantity has accumulated, and until its greasy contents is chilled, allowing never a drip into the waste-pipe, but thus securing from time to time, the discharge of a strong flushing volume, sufficient to keep the channel perfectly clear and to carry forward through the house drain the burden of material which, when discharged in driblets, is sure to adhere to the walls of the pipe.

The soil-pipe ought never to be built into the wall or in any manner covered from view. Especially should all openings in floors through which pipes pass from one story to another be hermetically closed against the possible passage of air. In much of the better house-drainage that I have been called to examine, even very recently, the soil-pipe is hidden; no attempt is made to prevent the passage of air from floor to floor, there being an open channel beginning at the cellar, continuing through the soil-pipe casing and through the different floors, taking up its quota of the exhalations of putrid urine and slops and leakage almost inevitable with the tightly cased closet, through to the attic of the house. Ordinarily, the passage of the pipe through the roof is the only one that is carefully secured, and this only to prevent the

entrance of rain-water. Under this arrangement, the atmospheric impurities of one story are transmitted to the next, and as a perfect joint can with difficulty be made between a soil-pipe casing and a finished wall, there is ample opportunity for exhalation throughout the whole course, and especially about the casing of the water-closets, etc. This defect is a serious one in most of the best work now done, but it is one which can be, and which certainly should be completely removed.

It is already pretty well understood, and [the principle is very generally adopted, that the soil-pipe in its course from its vertical portion to the outlet drain should always be in plain sight throughout its whole length, and should all be of the best and most durable material, jointed in the most careful manner. Under no circumstances should earthenware pipes be used within the walls of the house, nor for a certain distance beyond them, and never, except under the most imperative conditions, should any kind of drain be laid under the cellar floor. In this case, as in all others, every effort should be made to have the whole thing in plain open sight, where the least leak or defect may be detected at once.

I was requested to furnish a paper on House-Building with reference to Plumbing and House-Drainage. It has seemed impossible not to follow the logical sequence and to state at the outset what plumbing and house-drainage works should be. Perhaps because of the importance of the subject, and perhaps only from force of habit, I have consumed most of my allotted space before approaching the house-building question at all. It seems, indeed, difficult to find much to say in this connection about the building of houses. Very few houses are built with reference to their drainage works, and it cannot be expected that many will be so built. The drainage is for the house, not the house for the drainage. At the same time a few words of advice may be offered to architects, and especially to those owners,—above all those house-building women —who are determined to combine the greatest convenience with the greatest safety.

What is generally regarded as necessary to luxurious and entirely convenient living is, as I have indicated above, inconsistent with absolute security. It is well within the power of the plumber to distribute his fixtures and their supply and waste-pipes in wild ramification throughout the whole building, and to make the whole pretty nearly safe; it is not, in my opinion, possible for him to

make such widely distributed work entirely safe. My advice to all intending house-builders would be to provide an abundant supply of hot and cold water, at least on two floors of even the most ordinary house; on every floor of houses of a more generous character, and perhaps at two or more points on each floor of very large houses. I would absolutely reject all water closets, wash-bowls, and baths from every bedroom, and from every closet opening into a bedroom, concentrating them all in one or more bath-rooms on each floor. The proper furnishing of clean water and removal of foul water in different rooms, is a matter of little labor if the supply may be drawn and if the waste may be discharged without going up and down stairs, while the cleanliness and absence of fœtid organic decomposition is so much more easily compassed with the movable wash-bowl and pitcher, that this alone is a sufficient compensation for the slight additional service. The slop-hopper, almost always an abomination located in a dark and unventilated closet, should find no place in any part of the house, nor should the ordinary urinal. A properly arranged water-closet will, as I have already said, serve both purposes in the most perfect and convenient manner.

The location of the bath-room is to be determined by several considerations. It must be conveniently placed; it must be protected by its position or by artificial warming against the inroads of frost; and it must, *absolutely*, be supplied with efficient ventilation, and with a ventilation that it is very difficult to secure unless it is placed against an outer wall of the house, and furnished with a direct opening to the outer air. A frequent position of the bath-room in New York houses, between the front and rear bedrooms, and opening into one or both of them and into the hall, is probably the worst that could be devised. I do not, however, regard even such a position as absolutely inadmissible. If the drainage works are thoroughly well constructed, and if all of the indications that I have given concerning simplicity of arrangement, freedom of access, and absence of carpentry are followed, and especially if the principle of copious flushing and the entire abolition of dribbling are insisted on, perfect ventilation of the apartment will be a matter of comfort rather than of health.

VIII. MORAL EDUCATION IN THE COMMON SCHOOLS.

AN ADDRESS BY W. T. HARRIS, LL.D., CHAIRMAN OF THE DEPARTMENT OF EDUCATION.

(Read September 4, 1883.)

As a body devoted to the study of social science and interested in all means of securing the welfare of society, we are especially concerned with ethics or morality as the doctrine that relates to the forms in which society finds it possible to exist. Without conformity of the individual will—the will of the particular man—to the will of the whole, society is impossible. Society exists by means of institutions, and institutions are forms that mould the individual, and, as it were, out of many wills make one will.

In a country like the United States, where has been realized the most complete form of political freedom in local self-government, the question of education of the individual into moral self-control must have primary importance. Besides the general fact of local self-government, there are also special conditions which urge upon us now more than formerly the practical consideration of the question of moral education.

I will therefore take the liberty to call your attention briefly to some of the influences at work in the United States, whose effort is unfavorable to the growth of moral character. There are five that deserve special mention: (1) The conflux of nationalities brought about by migration; (2) The possibilities of rapid acquirement of wealth; (3) The necessity for frequent changes of vocation; (4) Local self-government; (5) The growth of science and literature, and the diffusion of knowledge.

All parts of Europe and some parts of Asia are sending us their emigrants. Each emigrant brings some peculiar moral habits which clash with our own. The result is, that each and all, immigrants and natives, have to learn tolerance. But moral punctilios cannot be trifled with safely. When people are politically compelled to be tolerant of petty customs that they believe to be immoral, there follows a relaxation of genuine morality itself.

Even when a false bigoted prejudice that has rooted itself among the moral virtues is pulled up, the cardinal virtues themselves suffer injury. The possibilities of rapid wealth generate excesses of all kinds, excessive work, excessive indulgence. Besides this, the

man who conquers fortune by his own efforts finds himself unprepared for the new responsibilities and temptations that wealth brings. He has conquered so much through industry that he feels he can conquer the fixed laws of morality. Again, the diffusion of scientific knowledge among the people weakens the bonds of authority of all kinds, and replaces the terror felt for some unknown punishment by a moderate apprehension of some physical inconvenience, the moral command having lost its sanctity and become a hygienic prescription.

Besides this, science gets applied in the mechanic arts, and an age of invention results. New inventions cause old trades to grow obsolete, and a general change of vocations becomes prevalent. The change of vocations throws the laborer from one set of conditions into another, for which he is unprepared. Each guild or occupation has its special temptations, and learns to prepare its youth to resist them. The change of vocation brings danger, because the laborer takes up a business whose temptations he has not learned to resist.

The spread of local self-government, likewise, adds to this reaction against moral authority. Politics in a democracy is a process in which the arbitrary will and capricious desires of individuals are transmuted into the higher personality and irresistible will of the State.

This process affords occasion for the full activity of animal cunning and other brute qualities. The school of politics undermines moral principle, and sets up unscrupulous policy in its place. Doubtless in the course of time sagacious statesmanship will discover the necessary forms and restrictions to prevent political corruption, but much evil must needs be expected before that consummation.

These causes of the weakening of morality in our time and country are causes that cannot be removed, and that it is useless to lament. But they ought to be provided for by all forms of education. The school, the family, the church, the State, should all work in harmony towards this desirable end. No moral training will be equal to the emergency, unless it gives inward strength of character such as will enable the youth to act aright in novel situations, and to sustain his integrity under pressure of circumstances. With no prospect of abatement in scientific discovery, or its application in the mechanic arts, there will still prevail: (1) the rapid

production of wealth; (2) the mingling of nationalities by migration; (3) consequent changes of vocation, and (4) local self-government; and (5) increasing independence of mere personal or traditional authority; and these will continue to offer extraordinary obstacles to the preservation of our ethical customs. But such a strength of character as will be required to overcome those obstacles is a much nobler form of moral life than one which is deadened into custom.

One may distinguish moral duties or habits which ought to be taught to youth in three classes: (*a*) Mechanical virtues, in which the youth exercises a minimum of moral choice, and obeys an external rule prescribed for him. In this, the lowest species of moral discipline, the youth learns self-denial and self-control, and not much besides. (*b*) Social duties, those which govern the relation of man to man, and which are the properly called "moral" duties.

In this form of moral discipline the youth learns to obey principle, rather than the immediate will of another, or a mechanical prescription.

(*c*) Religious duties, or those based on the relation to God as revealed in religion. In these the youth learns the ultimate grounds of obligation, and gains both a practical principle for the conduct of life and a theoretic principle on which to base his view of the world. In his religious doctrine man formulates his theory of the origin and destiny of nature and the human race, and at the same time defines his eternal vocation, his fundamental duties. The mere statement of this obvious fact is sufficient to indicate the rank and importance of the religious part of the moral duties.

In the school we note first, the moral effect of the requirement of implicit obedience—a requirement necessary within the school for its successful administration. The discipline in obedience in its strict form, such as it is found in the school-room has four other applications which remain valid under all conditions of society: (*a*) Obedience towards parents; (*b*) towards employers, overseers and supervisors as regards the details of work; (*c*) towards the government in its legally constituted authority, civil or military; (*d*) towards the Divine will, howsoever revealed.

In each of these four forms there is and always remains a sphere of greater or less extent within which implicit obedience is one's duty. In the three first named this duty is not absolute, but limi-

ted — the sphere continually growing narrower with the growth of the individual in wisdom and self-directive power. In the fourth form of obedience to the Divine will, the individual comes more and more to a personal insight into the necessity of the Divine law as revealed in scripture, in nature, and especially in human life, and he becomes through this emancipated relatively from the direct personal control of men, even of the wisest and best, and becomes rather a law unto himself.

He outgrows mere mechanical obedience, and arrives at a truly moral will in which the law is written on the heart.

The pillars on which school education rests are behavior and scholarship. Deportment or behavior comes first as the *sine qua non*. The first requisite of the school is order; each pupil must be taught to conform his behavior to the general standard, and repress all that interferes with the function of the school. In the outset, therefore, a whole family of virtues are taught the pupil, and taught him so thoroughly that they become fixed in his character. In the mechanical duties habit is everything, and theory little or nothing.

The pupil is taught (*a*) Punctuality: he must be at school in time. Sleep, business, play, indisposition — all must give way to the duty of obedience to this external requirement — to observe the particular moment of time and conform to it.

Punctuality does not end with getting to school, but while in school it is of equal importance. Combination cannot be achieved without it. The pupil must have his lessons ready at the appointed time, must rise from his seat at the tap of the bell, move to lines, return; in short, he must go through all the evolutions with this observance of rhythm.

(*b*) Regularity is the next discipline. Regularity is punctuality reduced to system; conformity to the requirements of time in a particular instance is punctuality; made general, it becomes regularity.

Combination in school rests on these two virtues. They are the most elementary of the moral code — its alphabet, in short.

This age is often called the age of productive industry — the era of emancipation of man from the drudgery of slavery to his natural wants of food, clothing and shelter. This emancipation is effected by machinery. Machinery has quadrupled the efficiency of human industry within the past half century. There is one

general training especially needed, to prepare the generations of men who are to act as directors of machinery and managers of the business that depends upon it — this training is in the habits of punctuality and regularity.

Only by obedience to these abstract external laws of time and place may we achieve a social combination complete enough to free us from the thraldom to our physical wants and necessities.

(*c*) Silence is the third of these semi-mechanical duties. It is the basis for the culture of internality or reflection — the soil in which thought grows. The pupil is therefore taught habits of silence — to restrain his natural animal impulse to prate and chatter; all ascent above his animal nature arises through this ability to hold back his mind from utterance of the immediate impulse. The first impression must be corrected by the second. Combination and generalization are required to reach deep and wide truths, and these depend upon this habit of silence.

This silence in the school-room has a two-fold significance — it is necessary in order that there may be no distraction of others from their work; secondly, it is a direct discipline in the art of combining the diffused and feeble efforts of the pupil himself.

These mechanical duties constitute an elementary training in morals, without which it is exceedingly difficult to build any superstructure of moral character whatever.

Moral education, therefore, must begin in merely mechanical obedience, and develop gradually out of this stage towards that of individual responsibility.

The strictly moral duties fall into two classes—those that relate to the individual himself, and those that relate to his fellows.

(*a*) Duties to self. These are physical, and concern cleanliness, neatness in person and clothing, temperance (total abstinence in some cases), and moderation in the gratification of the animal appetites and passions.

The school can and does teach cleanliness and neatness, but it has less power over the pupil in regard to temperance. It can teach him self-control and self-sacrifice in the three disciplines already named,—punctuality, regularity and silence,—and in so far it may free him from thraldom to the body in other respects. It can and does labor efficiently against obscenity and profanity in language.

(*b*) Self-culture. This duty belongs especially to the school.

All of its lessons contribute to the pupil's self-culture; by its discipline it gives him control over himself, and ability to combine with his fellow-men; by its instruction, it gives him knowledge of the world of nature and man. This duty corresponds nearly to the one named prudence in ancient ethical systems. The Christian Fathers discuss four cardinal virtues—temperance, prudence, fortitude and justice. Prudence places the individual above and beyond his present moment, as it were, letting him stand over himself, watching and directing himself. Man is a two-fold being, having a particular, special self, and a general nature, his ideal self, the possibility of perfection. Prudence stands for the theoretical or intellectual side of the cardinal or secular virtues.

(*c*) Industry. This virtue means devotion to one's calling or business. Each one owes it to himself to have some business and to be industrious. The good school does not tolerate idleness. It has the most efficient means of securing industry from its pupils. Each one has a definite task scrupulously adjusted to his capacity, and he will be held responsible for its performance. Is there any better training yet devised to educate youth into industry and its concomitants of sincerity, earnestness, simplicity, perseverance, patience, faithfulness and reliability, than the school method of requiring work in definite amounts, at definite times, and of an approved quality? The pupil has provided for him a business or vocation. By industry and self-sacrifice the pupil is initiated into a third of the cardinal virtues—fortitude.

Duties to others. Duties to self rest on the consciousness of a higher nature in the individual, and of the duty of bringing out and realizing this higher nature. Duties to others recognize this higher ideal nature as something general, and hence as also the true inward self of our fellow-men. This ideal of man we are conscious that we realize only very imperfectly, and yet it is the fact that we have the possibility of it in ourselves that gives us our value above animals and plants. In our fellow-men we see revelations of this ideal nature that we have not yet realized ourselves. Each one possesses some special gift or quality that helps him know himself. The experience of each man is a contribution towards our self-knowledge, and vicariously aids us without our being obliged to pay for it in the pain and suffering that the original experience cost. Inasmuch as our ideal can be realized only through this aid from our fellow-men, the virtues that enable us to combine with

others and form institutions precede in importance the mechanical virtues.

There are three classes of duties to others:—(1) Courtesy,—including all forms of politeness, good breeding, urbanity, decorum, modesty, respect for public opinion, liberality, magnanimity, etc., etc., described under various names by Aristotle and others after him. The essence of this virtue consists in the resolution to see in others only the ideal of humanity, and to ignore any and all defects that may be apparent.

Courtesy in many of its forms is readily taught in school. Its teaching is often marred by the manner of the teacher, which may be sour and surly, or petulant and fault-finding. The importance of this virtue, both to its possessor and to all his fellows, demands a more careful attention on the part of school managers to secure its presence in the school-room.

(2) Justice: this is recognized as the chief in the family of secular virtues. It has several forms or species, as for example (*a*) honesty, the fair dealing with others, respect for their rights of person and property and reputation.

(*b*) Truth-telling, or honesty in speech — honesty itself being truth-acting. Such names as integrity, uprightness, righteousness, express further distinctions that belong to this staunch virtue.

Justice, like courtesy in the fact that it looks upon the ideal of the individual, is unlike courtesy in the fact that it looks upon the deed of the individual in a very strict and business-like way, and measures its defects by the high standard. According to the principle of justice, each one receives in proportion to his deeds, and not in proportion to his possibilities, wishes or unrealized aspirations. All individuals are ideally equal in the essence of their humanity; but justice will return upon each the equivalent of his deed only. If it be a crime, justice returns it upon the doer as a limitation of his personal freedom or property.

The school is more effective in teaching the forms of justice than in teaching those of courtesy. Truth-telling especially receives the full emphasis of all the power of school discipline. Every lesson is an exercise in digging out and closely defining the truth, in extending the realm of clearness and certainty further into the region of ignorance and guess-work. How careful the pupil is compelled to be with his statements and in the recitation, and with his previous preparation.

Justice in discovering the exact performance of each pupil and giving him recognition for it, may give place to injustice in case of carelessness on the part of the teacher. Such carelessness may suffer the weeds of lying and deceit to grow up; it may allow the dishonest pupil to gather the fruits of honesty and truth, and thus it may offer a premium for fraud. The school may thus furnish an immoral education, notwithstanding its great opportunities to inculcate this noble virtue of honesty.

The private individual must not be permitted to return the evil deed upon the doer, for that would be revenge, and hence a new crime. All personality and self-interest must be sifted out before justice can be done to the criminal. Hence we have another virtue, which belongs to the law-abiding.

(3) Respect for law, as the only means of protecting the innocent and punishing the guilty, is the complement of justice. It looks upon the ideal as realized not in an individual man, but in an institution represented in the person of an executive officer, who is supported with legislative and judicial powers.

The school, when governed by an arbitrary and tyrannical teacher, is a fearfully demoralizing influence in a community. The law-abiding virtue is weakened, and a whole troop of lesser virtues take their flight and give admittance to passions and appetites. But the teacher may teach respect for law very thoroughly, on the other hand. In this matter a great change has been wrought in the methods of discipline in latter years. Corporal punishment has been very largely disused. It is clear, that with frequent and severe corporal punishment it is next to impossible to retain genuine respect for law. Only the very rare teacher can succeed in this. Punishment through the sense of honor; has, therefore, superseded for the most part in our best schools the use of the rod. It is now easy to find the school admirably disciplined, and its pupils enthusiastic and law-abiding—governed entirely without the use of corporal punishment.

The school possesses very great advantages over the family in this matter of teaching respect for law. The parent is too near the child, too personal to teach him this lesson.

III. Religious Duties. Higher than the properly moral duties, or at least higher than the secular or cardinal virtues, are certain ones which are called "celestial" virtues by the theologians. These are Faith, Hope, Charity, and their special modifications.

The question may arise: Whether any instruction in these duties can be given which is not at the same time sectarian? An affirmative answer will have to show only that the essential scope of these virtues has a secular meaning, and that the secular meaning is more fundamental than in the case of the so-called cardinal virtues.

(1) Faith, in a theologic sense, means the true knowledge of the first principle of the universe. Everybody presupposes some theory or view of the world, its origin and destiny, in all his practical and theoretical dealing with it. Christendom assumes a personal Creator of divine-human nature, who admits man to grace in such a way that he is not destroyed by the results of his essential imperfection, but is redeemed in some special way. The Buddhist and Brahmin think that finitude and imperfection are utterly incompatible with the divine being, and hence, that the things of the world cannot be permitted to have real existence. They exist only in our fancy. Here is no grace, no redemption. Nature is not a real existence to such a theory, and hence there can be no natural science.

In Christian countries the prevailing institutions and confessions of faith recognize this belief in a divine-human God of grace, and their people more or less cultivate science. Some persons theoretically deny this belief, but cling to science, which is itself based on the deep-lying assumption that the world is a manifestation of reason. Such sceptics have not yet measured the consequences of their theories, and, for our purposes, may be said to belong to the faith, inasmuch as the reality of a finite world presupposes a personal God, whose essential attribute is grace. The agnostic, too, is strenuous in acknowledging the practical importance of the code of moral duties.

The prevailing view of the world in Christian countries is very properly called faith, inasmuch as it is not a view pieced together from the experience of the senses, nor a product of individual reflection unaided by the deep intuitions of the spiritual seers of the race.

Faith is a secular virtue as well as a theological virtue, and whoever teaches another view of the world — that is to say — he who teaches that man is not immortal, and that nature does not reveal the divine reason, teaches a doctrine subversive of faith in this peculiar sense, and also subversive of man's life in all that makes worth living.

(2) Hope, the second theological virtue, is the practical side of faith. Faith is not properly the belief in any theory of the world, but in the particular theory of the world that Christianity teaches. So hope is not a mere anticipation of some future event, but the firm expectation that the destiny of the world is in accordance with the scheme of faith, no matter how much any present appearances may be against it. Thus the individual acts upon this conviction. It is the basis of the highest practical doing in this world. A teacher may show faith and hope in the views of the world which he expresses, and in his dealings with his school — in his teaching of history, his comments on the reading lessons, in his treatment of the aspirations of his pupils. Although none of these things may be consciously traced to their source by the pupils, yet their instinct will discover the genuine faith and hope. Nothing is so difficult to conceal as one's conviction in regard to the origin and destiny of the world and of man.

(3) Finally, Charity is the highest of these virtues, in the sense that it is the concrete embodiment and application of that view of the world which Faith and Hope establish.

The world is made and governed by divine grace, and that grace will triumph in the world. Hence, says the individual, let me be filled with this principle, and hold within myself this divine feeling of grace towards all fellow creatures. Charity is therefore not almsgiving, but a devotion to others. "Sell all thou hast — and follow me." Faith perceives the principle; Hope believes in it where it is not yet visible; Charity sets it up in the soul and lives it. There might be conceived a faith or insight into this principle of divine grace, and a hope that should trust it where not seen, and still there might be in the possessor of the faith and hope a lack of charity. In that case the individual would acknowledge the principle everywhere, but would not admit it into himself. With charity all other virtues are implied — even justice.

While courtesy acts towards men as if they were ideally perfect and had no defects; while justice holds each man responsible for the perfect accordance of his deed with his ideally perfect nature, and makes no allowance for immaturity, charity sees both the ideal perfection and the real imperfection, and does not condemn but offers to help the other, and is willing and glad to sacrifice itself to assist the imperfect struggle towards perfection.

The highest virtue, charity, has of all the virtues the largest

family of synonyms: humility, considerateness, heroism, gratitude, friendliness, and various shades of love in the family (parental, filial, fraternal and conjugal), sympathy, pity, benevolence, kindness, toleration, patriotism, generosity, public spirit, philanthropy, beneficence, concord, harmony, peaceableness, tenderness, forgiveness, mercy, grace, long-suffering, etc., etc.

The typical form of this virtue as it may be cultivated in school is known under the name of kindness. A spirit of true kindness, if it can be made to pervade a school, would be the highest fountain of virtue. That such a spirit can exist in a school as an emanation from a teacher, we know from the history of such teachers as Arnold of Rugby, and other illustrious examples.

From the definition of this principle, it is easy to deduce a verdict against all those systems of rivalry and emulation in school which stimulate ambition beyond the limits of generous competition to the point of selfishness. Selfishness is the root of mortal sin, as theologians tell us, and the lowest type of it is cold, unfeeling pride, while envy is the type next to it.

In a State which has no established church, and in a system of public schools that is not permitted to be under the control of sects or denominations, what shall be the fate of dogmatic instruction in morals — especially instruction in that part of morals which rests upon the celestial virtues? Of course the problem is still a simple one in parochial schools and denominational schools. But it is not proper for us to ignore the dangers incurred even in strictly parochial schools. The more strict the denominational control, the less likely is there to pervade the school that spirit of tolerance and charity towards others which is the acknowledged deepest taproot of the virtues. Were the community in its confession of faith homogeneous, religious instruction could still properly remain in school. The movement of American society is not, however, in that direction, and it is quite likely that the church must see formal religious instruction, even to the ceremony of reading the Bible, leave the common schools altogether. But a formal reading of the Bible "without note or comment," or a formal prayer on opening school, is surely not religious or moral instruction in any such efficient sense as to warrant any Christian man or woman in sitting down in content, and claiming a religious hold on the popular education. Such a delusive content is indeed

too prevalent. There never was a time when the need was greater for a wide-spread evangelical movement to begin, that shall make real once more the faith that is well-nigh become a mere formula.

A Robert Raikes now and here to give new vitality to the Sunday-school movement, a concerted series of movements like that of Dr. Vincent, is needed.

It is not the undoing of the separation of Church and State, even in the common schools, nor the struggle to maintain a frigid and bloodless "non-sectarian," so-called, religion in our schools that is to succeed or to do any good. It is for the churches to rouse from danger, and proselyte by new means and appliances as well adapted to the present day as the Sunday-school movement was seventy years ago.

It is for the teachers not to claim the right to introduce formal religious ceremonies, but to make all their teaching glow with a genuine faith, hope and charity, so that pupils will catch from them their view of the world as the only one that satisfies the heart and the intellect and the will.

Let us note in conclusion the fact that, in the mechanical virtues, so important to making good citizens, the training in the schools is already admirable. Human freedom is realized, not by the unaided effort of the individual, but by his concerted or combined effort in organized institutions like the State and Civil Society. Those mechanical virtues make possible the help of the individual in this combination, and fit him for the modern world now bent on the conquest of nature.

The social virtues, justice, politeness and obedience to law, may be equally well provided for, although in fact they are not successfully taught in every school.

The celestial virtues can be taught by teachers inspired by those virtues, and by none others. The empty professions of such virtues without the devotion of the life to them, is likely in the school, even more than elsewhere, to produce the well-known practical result of atheism.

One may take occasion here to mention with hope and favor some new text books in morality, soon expected to appear under the authorship of distinguished and competent clergymen who have formed an association for the purpose, believing that such works will do much good, although they can never equal the effi-

ciency of the discipline of the school in the hands of the competent teacher.

CONSPECTUS OF DUTIES.

- I Mechanical,
  - *Obedience*
    - (a) to Parents
      - (a) Punctuality.
    - (b) to Employers
      - (b) Regularity.
    - (c) to State
      - (c) Silence.
    - (d) to God
- II Social,
  - I To Self
    - (a) Physical
      - Cleanliness of Person.
    - (b) Self Culture
      - Temperance.
    - (c) Industry
      - Purity.
  - II to others
    - (a) Courtesy
    - (b) Justice
      - Truth-telling.
      - Honesty.
    - (c) Respect for Law.
- III Celestial,
  - (a) *Faith.*
  - (b) *Hope.*
  - (c) *Charity.*

DEBATES ON THE PRECEDING PAPERS.

Many of the Addresses and Papers on the preceding pages were debated, but of these debates the Secretary could preserve only fragmentary reports, a portion of which are here given:

DEBATE ON CAPITAL PUNISHMENT.

Prof. WAYLAND: In commenting on my address of Monday evening, one journal has said that the proposed life imprisonment will be so awful a penalty that juries will refuse to convict. But this objection loses sight of the fact that an error in this matter would not be irreparable. It is also urged that it is better to have the power to execute, even if it is used only in rare cases. But it is true, on the other hand, that the time when the penalty can be enforced is the time when you ought not to enforce it, that is, when the community is in an excited state, incompetent to form a calm judgment.

Mr. Z. R. BROCKWAY, of the Elmira Reformatory, said: I am in hearty accord and sympathy with the view taken by the President, and am glad that a man occupying his position has come out boldly in opposition to capital punishment, and disbelieves in the whole doctrine of deterrents. In the administration of minor penalties in prison discipline, the principle of deterrents is fallacious. When you administer your penalty for remedial effects, you get the best results. We need to put the whole matter of punishment on the remedial basis. In 1856, in England, the penalty for offences like cattle-stealing, was changed from hanging to imprisonment; and crime diminished by 20 per cent. In Michigan, under the abolition of the death penalty, while the population quadrupled, the crime of murder did not increase. There is something in the advance of civilization which reduces crime. In any State civilized enough to abolish the death penalty, there is a high enough civilization to see that great criminals are prevented from going at large. The deterrent principle is all wrong, and the remedial idea is the right one.

Mr. F. B. SANBORN: The argument is used that a law cannot be enforced if the people hold a different opinion from that expressed by the law. Now, there is among men a strong retributive sentiment to the effect that a man should receive good or evil as he deserves. If this is so, the argument returns upon itself. I used to believe in the argument drawn from the sacredness of human life, but the Civil War converted me. I agree mainly with the argument of the President drawn from expediency.

Judge CHARLES A. PEABODY: If the interests of Society require the taking of human life we may take it; not otherwise. We are to protect the lives of the good, even if it takes the life of the bad.

The question is one of policy. We should consider the effect of taking human life on society. What is the estimate placed on the sacredness of human life, if we take life for stealing a loaf of bread? If safety can be maintained without taking human life, it should not be taken. During the war, the crimes against human life multiplied because of the lessened estimate of the sacredness of human life. We have a right to maintain order in society, at whatever sacrifice. It is a question of mere expediency. I do not understand the use of the terms *deterrent* and *remedial*. It will not do to entertain the thought that the prospect of punishment has no effect on the criminal. I am afraid that familiarity with great penalties debases and hardens the community.

Mr. F. J. KINGSBURY: As to the deterrent effect of punishment, during the first twenty-five years of the reign of Victoria, many attempts were made on her life. These were not punished capitally. An act was passed providing that any act of violence to the sovereign should be punished by severe flogging; and from that time there was no such attempt.

DEBATE ON INEBRIETY.

Rev. H. L. WAYLAND: Inebriety is a disease, no doubt; but intemperance is also a crime. The body and the mind are so related that hardly anything affects one of them alone. Almost every crime affects the body more or less. A life of dishonesty renders the muscles flaccid, and indisposes the man to labor. Shall we therefore say that burglary is a disease rather than a crime? When a man begins to drink, knowing that he is ruining himself, and breaking the hearts of his father and mother, it is a crime. Paul did not say, "No consumptive shall inherit the kingdom of God," but "no drunkard."

Prof. WAYLAND: When a man in the exercise of his faculties knows that if he drinks he will get drunk, and will abuse his family, shall we pat him on the back and say, "This is a disease;" or shall we say, "This is a crime?" The drunkard should share the punishment with the man who sells the liquor. A man becomes a "common drunkard." He may be diseased, but he is a criminal. He has voluntarily put himself in a place where he commits crime. We should say to the common drunkard: "You can't be trusted in the temptations that are about you. We shall confine you till you are cured."

Judge PEABODY: The man who gets drunk is the subject of pity. When you say that man is a criminal, you use language that is not becoming. He should be restrained so long as he cannot restrain himself. The universal testimony is opposed to imprisonment for drunkenness as punishment. The man should be restrained in such a way as to give him the least pain and the most encouragement. I am far from calling him a culprit for what is weakness and not positive criminality.

Rev. Mr. Bradford, of New Jersey: There are those who are tempted because of heredity. These cases are almost never cured. There are others who from free will choose the course on which they enter. Almost all writers are now classifying all crimes as disease. Is it true that a man who comes into the world with overwhelming tendencies to evil, is to be judged as we judge one who acts of his own free will?

Dr. Crothers: In France, the highest law recognizes inebriety as an excuse for crime. Drunkenness is an appetite growing out of a sense of exhaustion. The inebriate, like the man with the yellow fever, must be quarantined. To say that a man is diseased, does not take responsibility from him. He has no right to go about scattering disease. We must look at these men from the point of physical science.

Mr. Sanborn: Drunkenness is at first a disease of the will, and may be cured by the means that appeal to the will; afterwards it becomes a disease of the body. I should be very skeptical about the general results from a treatment such as Dr. Crothers suggests.

PHYSICAL CULTURE.

In discussing Dr. Sargent's Paper, Dr. Dio Lewis said: For forty years I have been interested in physical culture. We have all exaggerated muscle culture. The first thing is to teach people to breathe; the next is good food properly eaten; third, a proper dress, which, perhaps, should be mentioned first with girls. Ten years ago, I gathered one hundred and fifty girls, mostly out of health, and many of them daughters of rich men, in a school at Lexington, Mass. They came with fine clothes. They brought letters from their physicians saying that they could not go up stairs, and that for a week out of every month they must be laid away. I persuaded them to have but one dress, of flannel, worn loose, covering between the knees and the ankles. When they came, we measured their chest and recorded their physical condition. I had them go to bed at 8.30 instead of 10.30. American girls break down for want of *sleep*. Then came gymnastics. As I grow older, I think less of gymnastics and more of the other things. We exercised every girl every day of the month; and we never saw any girl injured by it, but very much improved. After four months, those girls would walk five to eight miles of a Saturday.

PAPERS OF THE JURISPRUDENCE DEPARTMENT.

I.—THE ASSERTION OF RIGHTS.

BY JOHNSON T. PLATT, ESQ., OF NEW HAVEN.

(Read September 6, 1883.)

We are supposed to be an excited, nervous people, with little faculty or opportunity to find ourselves, and a keen desire to learn what others think of us. Perhaps we are in the condition of great persons of whom Bacon says, "that they have need to borrow other men's opinions, to think themselves happy—that if they think with themselves what other men think of them, and that other men would fain be as they are, then they are happy as it were by report." Certain it is, that every distinguished visitor who spends a few days among us is solicited for an opinion, and if obtained before he quits the country the quality is not likely to be of a kind to wound our sensitiveness.

With this habit, it was to be expected that Mr. Spencer, on the occasion of his late visit, would be invited to make us happy—the degree of happiness to be commensurate with the reputation of the philosopher. But one gift of his was not reckoned with—his exceeding truthfulness. The spectacle of a visitor expressing an honest, straightforward opinion before he got out of the country was so unusual, that it is not surprising he was misunderstood. How could we understand one who asserted that we lacked certain moral sentiments?

But let us hear Mr. Spencer speak for himself: "Probably it will surprise you," said he to the interviewer, "if I say that the American has not, I think, a sufficiently quick sense of his own claims, and at the same time, as a necessary consequence, not a sufficiently quick sense of the claims of others—for the two traits are organically related."

His questioner then asked, "Do you think it worth while for people to make themselves disagreeable by resenting every trifling aggression? We Americans think it involves too much loss of time and temper, and doesn't pay."

To which Mr. Spencer replied, "Exactly. That is what I mean by character. It is this easy-going readiness to permit small

trespasses, because it would be troublesome or profitless or unpopular to oppose, which leads to the habit of acquiescence in wrong and decay of free institutions."

In what I have quoted, Mr. Spencer touched upon one of the most dangerous tendencies of our time; and the fact that intelligent persons and influential journals did not appreciate the drift and purport of what he said, shows how deep-seated is the disease that he detected. It is nothing less than the decay of the sentiment of justice.

There is nothing new in these observations of Mr. Spencer, but the man and the circumstances served to arrest attention.

The "comfortable moles" assert that Mr. Spencer was wrong, and, "with barren, optimistic sophistries," attempt to justify the existing state of things. If people were forward to vindicate their rights when invaded, a litigious spirit would be fostered, strife would be created, the injured and wrong-doer would be put to trouble and expense, and society would be annoyed. Compromise, a forgiving spirit, and a short memory are better. These views, born of a low prudence, are entertained by many otherwise excellent persons, and with some they seem to have the sanction of morality and religion. That these views are so prevalent is in some measure due, I think, to the false notions current about rights. They are looked upon wholly as personal claims or privileges, and quite dissociated in thought from the correlative notion of duty. It is only after some little reflection that a man comes to understand that every legal right with which he is clothed exists by reason of a corresponding duty imposed on some other person or persons, and can only be enjoyed when such duty is performed.

In order, then, that one man may enjoy his legal rights, it is essential that other persons charged with legal duties in respect to him should perform them. The law creates and defines these rights, and imposes the correlating duties. The law is not at rest, but is subject to continual change, whereby it is adapted to new needs and circumstances. It is not in advance of public opinion, but represents the average sentiment of the time as to what is just between man and man, so far as in the opinion of society it is expedient to enforce the duties appertaining thereto by legal sanctions. The law, of course, deals only with overt acts, and it has regard to only a portion of human conduct. There are large tracts of conduct that lie wholly outside of the law. Within its

domain, however, are massed some of the most important of human interests, as personal safety and freedom—reputation—the acquisition, enjoyment, and transfer of property—relations arising out of the family—immunity from fraud, and the performance of contracts. A body of rules covering these interests, and defining what is just, has been wrought out through the experience and struggle of ages. Conflicting claims have been examined, weighed and adjusted, and rights created and duties imposed. Every rule of law existed once only as a claim that was denied. Morality may be, and usually is, in advance of the law. When a new rule is added to the law, and is enforced, it indicates that so much ground has been definitively conquered by the moral sentiment.

We may assume, then, that the interests of society require that individuals shall in their conduct at least conform to the standard that the law prescribes. The enactment of a law is unmeaning unless it is enforced—unless the generality of persons obey it. With many persons the lower motives, prompting to violate the law for the sake of a supposed personal advantage, are very strong; so strong that they are not controlled by the higher motives, thus necessitating the legal sanction. If the higher motives dominated the individual and determined his action, as they should do, there would be no occasion for the application of the legal sanction.

The machinery through which the legal sanction is applied is set in motion, as a rule, by the injured person. As regards the criminal sanction, the prosecution is instituted and carried on at the discretion of the State or its agents; but as regards many offences sanctioned criminally, the fact that the law has been violated can only be known upon information furnished by the injured party, and he only can prove the acts constituting the offence.

As to those offences sanctioned civilly, it is at the option of the injured party whether the sanction is enforced or not. If, through fear of trouble, annoyance or expense, he does not assert his rights by bringing a suit, injustice usurps the place of justice, a rule of law is violated, and the wrong-doer unpunished.

When a rule of law is established and has been violated, the infliction of the sanction serves several purposes.

First, the rights of the injured person are vindicated.

Second, the wrong-doer is punished for the violation of duty.

Third, the rule of law and the penalty for its violation are anew brought to the attention of society, and a deterrent effect is exerted.

In enforcing his own rights, a man learns the measure of his duty to others.

When a case is of novel impression, and a new rule is made by way of judicial legislation, a step is taken in the progress of the law, and it is brought nearer to the demands of society. Under these circumstances, however, one at least of the parties is entitled to look upon himself, if not as a martyr, at least as a person who has rendered a service to society with no corresponding benefit to himself.

The vindication of the rights of the person injured through the violation of legal duty by the wrong-doer is the first of the purposes I have mentioned. This is not a matter of small importance, but I cannot discuss it here. If a society is to continue vigorous and progressive, the sentiment of justice must be kept keen and active. A strong sense of personal rights, of what is due to one as a moral being, is an essential element of character. One may have learning, talent, genius, and a certain kind of wisdom, but if he do not feel outraged when those rights he has in respect to his person are intentionally violated, he is without character. He does not respect himself, and he is not respected by others. It does not follow that such a person is of a litigious disposition—that he loves litigation for its own sake. On the other hand, he may feel that the law has been violated as regards his person, and that he is under a duty to society, and to himself, to redress the balance. The proper state of mind under such circumstances is well illustrated by the conduct of Spinoza, who, when his rights in respect to the estate of his father were denied by his sisters on account of his excommunication, took the proceedings necessary to vindicate those rights, and afterwards released to them the property to which his title had been judicially established. He has left on record his opinion: "That, in a State where just laws are in force, it is not only the right of every citizen, but his duty towards the common weal, to resist injustice to himself, lest peradventure evil men should find profit in their evil doing."

Without dwelling further upon this matter, I come to the second point, viz.: that by the bringing and prosecution of a suit against the wrong-doer he is punished for the violation of his legal duty. It is the sanction or penalty affixed to a law that creates the legal obligation. A statute enacted under the most solemn forms, if it provided no penalty to be inflicted upon the person who

violated it, strictly speaking, would impose no legal duty. In other words, so far as the law is concerned, it could be violated with impunity. It is, then, a sanction or penalty to be inflicted in case of disobedience that gives to the legal rule its binding character. People may observe the law because their consciences demand it, or because it will keep them in good repute to do so; but in the legal aspect it is the sanction or penalty that compels obedience. So far as that portion of the law is concerned that is sanctioned criminally, that is, where the wrong-doer is prosecuted at the discretion of the State or its agents, this is clear. The man who commits theft, or fires a building, or throws a train of cars from the rails, is aware that his illegal acts will subject him to a particular punishment, and, so far as the law is concerned, his motive for abstaining from the acts is the fear of the punishment likely to be inflicted. As it is put in the Ordinances of Menu: "Without certain punishment, it is impossible to restrain the delinquency of scoundrels with depraved souls, who secretly prowl over this earth."

I come now to the application of the principles I have stated, to some of the facts and circumstances of our own time. A large and increasing portion of the business of the country is carried on by corporations. These artificial beings are invested with rights, and charged with duties, and, so far as the enjoyment of the one and the performance of the other are concerned, should stand upon precisely the same ground as individuals. It is a matter of common knowledge that they do not. The prevalent theory of corporate management seems to be, to get as much money into the treasury as possible, and allow as little as possible to get out, except in the form of perquisites to managers and dividends to stockholders. The notion of duty is resolved into a question of dollars and cents, and the propriety of violating the law is determined with reference to whether or not it will pay. It has come to be a practice with some classes of corporations to employ agents, whose business it is, by improper means, to deter persons from asserting their just demands. The clearest obligations are ignored if it is found possible to escape without suffering the penalty.

On the other hand, there is a considerable number of unauthorized persons who have a strong desire to get their hands into the treasury of a corporation. Demands are made that would never be presented to an individual, and, what is strange, such demands

are often satisfied with knowledge that they are baseless. This is done upon the theory that it will cost less to pay them than to resist them. In some instances a fund is set apart to be used in adjusting claims, irrespective of whether they are just or not.

This condition of affairs is extremely demoralizing. The corporations do not respond to their duties, and their rights are not respected by individuals. The evil is not confined to the corporations and the individuals immediately concerned, but appears in society generally in the form of a weakened sentiment of justice and a disregard for law. The obvious corrective is a more vigorous assertion of rights on the part of individuals against corporations, and strenuous resistance on the part of corporations to all unjust demands.

It is said in behalf of corporations that they are not always treated with justice by courts and juries, and that they are obliged, in self-defence, to resort to indirect methods to maintain their rights. They are not always treated justly, but the methods they adopt are calculated to increase the measure of injustice meted out to them.

On a certain occasion a railroad train was passing between two eastern cities in the night time. About midnight the engineer and fireman discovered that a barn just ahead of the approaching train was on fire, and, being apprehensive that the intense heat had warped the rails, stopped the train and made an examination. Everything appearing to be right, the train proceeded to its destination. The owner of the barn, who happened to be a poor man, brought a suit against the railroad company, claiming that his barn was set on fire by sparks from this particular train. It was clearly proven on the trial that the barn was on fire when the train came in sight, but the jury rendered a verdict for the plaintiff. The jurors afterward explained that they were quite satisfied that the building was not set on fire by the defendant's locomotive, but that the plaintiff was a poor man and the company was rich, and so they decided for the plaintiff. One such failure of justice is more to be deplored than a number of highway robberies.

Corporations will have a large place in the future industrial organization of society in this country. Changes will be made in the law as regards corporate organization and management, and large restrictions will be placed upon corporate power; but the advantages of association are so obvious that it will be resorted to

more and more. In the mean time their rights should be as carefully protected as those of an individual. Changes in the law are within the appropriate province of the legislature.

I cannot leave this topic without touching upon one matter that is a fertile cause of legislative scandals. Our methods of private legislation are exceedingly crude, and it frequently happens that private bills are acted upon without much regard to their merits. There is a class of men who make legislation of this kind the occasion for large pecuniary gains for themselves, and there are instances where, owing to a scarcity of business, they have started and carried on an agitation against a corporation in the hope and expectation that it would be driven in self-defence to purchase their silence. Many good but credulous souls are found serving unwittingly in the ranks of these soldiers of fortune.

I might also speak of the rights of stockholders, or other beneficially entitled, as against the officers of corporations. How many banks and insurance companies have been ruined, causing injury to thousands, on account of neglect of duty on the part of directors or trustees, and in how few instances have the injured persons sought redress? A clear omission of duty is bad enough, but it is a good deal worse to find directors in a corporation making a contract for supplies at an exorbitant price, with an understanding that they are to have a share of the profits.

In all cases involving actual fraud, the duty of the injured person to assert his rights is very clear. The thief who takes property by force is less dangerous than he who practices the arts of fraud, and yet the one is punished criminally, while the other may be liable to no penalty for his wrong-doing, except the damages to be recovered by the injured person in an action at law. A man is induced through seductive promises and false statements of fact to invest in an undertaking. A loss ensues and the rule of liability is clear, but in few cases of this kind are legal proceedings instituted. The sufferer says, "I have been a fool; I ought to have known better, and I will not be caught a second time. I will place it to the score of experience, and pocket the loss." The offender is unpunished, and remains free to commit the same depredations upon others.

Commercial morality would be higher if the dishonest trader could, with less ease, reinstate himself after insolvency, and be in position to repeat, in the same or another community, the career of fraud and plunder.

The atmosphere would be more wholesome if more newspapers were sued for recklessly spreading before the public the details, real or imaginary, of private life, the whole served up with a sensational garnish, and serving no purpose other than to gratify the unmanly appetite for scandal, and sell a few more papers.

It is not necessary, nor have I time to allude further to particular instances, where, as it seems to me, failure to assert rights works detriment to society. When the principle is once grasped, the application is easy. Nor is its application confined to those rights that may be asserted against individuals in a court of law. It is quite as striking as regards what we term our political rights. If we would retain these, we must assert them; and if they are invaded, they must be vindicated. Neither legal nor political institutions descended out of heaven ready formed for the use and service of man. Both are the product of a long experience — we have entered into the labors of the generations that preceded us. The struggles of right with wrong, of justice with injustice, have made our heritage. There is no way in which this heritage can be improved and transmitted to those who are to succeed us, or even kept for ourselves, except by warfare. No contrivance, however skilful, can impart a motive power to institutions, if the animating spirit that gave them the principle of life, fails. Let the sentiment of justice weaken and decay, and the demand for right grow feeble, and the structures will be inert and dead, and an incubus rather than a help.

I conclude, then, that litigation is not to be deplored, but that, on the other hand, in certain directions it should be stimulated rather than repressed.

Every one concedes that what we call the criminal law should be enforced, and offenders punished. The principle is the same where the injured person institutes and prosecutes a suit against the wrong-doer. In both cases the law is vindicated, justice maintained, and the offender punished. Abstractly considered, litigation may be an evil; or, to speak more correctly, it is an evil that there are so many persons in the community, who will violate law to further their own selfish ends. "Justice should never sleep, except when injustice sleeps also." The law having been violated, the injured person not only has the right, but it is his duty to take the proceedings necessary to subject the wrong-doer to the punishment affixed by law to the offence. It makes no difference what-

ever, in principle, whether the punishment be imprisonment, or the payment of damages recovered by the injured person in a civil action. The assertion of rights is another expression for the enforcement of duties. Dean Stanley tells us that when the Norman bishops asked Anselm whether Alfege, who was killed by the Danes at Greenwich, could be called a martyr, because he died not on behalf of the faith of Christ, but only to prevent the levying of an unjust tax; Anselm answered: "He was a martyr, because he died for justice; justice is the essence of Christ, even although His name is not mentioned."

In an ideal state of society, where each member performed his duty, there would be no occasion to consider rights. No society has ever reached that state, nor will it be realized until the selfish elements in character are dominated by the higher motives — until men come to love their neighbors as themselves. In the meantime, that society may exist, a warfare must be waged against the selfish and the vicious, so far as their vices are ultimated in overt acts, causing injury to others.

I have barely alluded to the motives that may determine one to assert his rights. From the legal, or political standpoint, the question of motive is unimportant. A man may, through hatred, revenge, or ill-will, sue one who has invaded his rights, and prosecute the suit with energy and bitterness. In the eye of the law, he does no wrong — he is doing only that which he has a legal right to do. He confers a benefit on society by being instrumental in enforcing the law. When, however, we consider the ethical quality of the act, the question of motive becomes all-important, and such a person as I have described would be culpable. Mr. Emerson somewhere makes an observation to the effect that people go about to promote their own selfish interests, but, somehow or other, their acts usually range themselves in a line with the poles of the world.

The last fifty years has witnessed the development of our material resources at a rate unexampled in the history of the world. It has its advantages, and we are bound to be thankful that so large a proportion of our fifty millions of population can command the necessaries and comforts of life. But it is not an unmixed good. Immense fortunes are created, not through the regular and fruitful processes of industry, but by stock-jobbing, speculation, and practices that, to a plain man, can only be charac-

terized as fraudulent. A dollar acquired in this manner has not the same value as one that is the representative of honest work. Money is power, and the unregulated exercise of power is always noxious. Luxury, indulgence, and corruption, are pretty apt to be the concomitants of sudden riches. Our only safety is in the activity and vigor of the moral sentiment. Let the material element in our civilization get the upper hands, and it will drive us into paths that will surely lead to ruin. There are some activities, the value of which cannot be measured by the dollar standard. It is but a truism to say that the highest interest of the individual, as regards himself, and the highest interest of the State, which is a collection of individual units, calls for the greatest attainable perfection of character. It is not the accumulation of wealth, merely, not the accumulation of stores of learning, merely, not the creation of great material works, merely, that is the crown and glory of man. Character has regard more to the emotions than to the intellect, and a high and noble character is formed when the individual is under the sway of the higher emotions, guided and informed by the intellect, and loyalty to them has ripened into a habit and course of conduct. One whose strivings are in this direction will seek:

> "To guard the way of life from all offence
> Suffered or done."

Plato makes Socrates say, when asked whether he would rather suffer than do injustice, that he should not like either, but if obliged to choose between them, he would rather suffer than do.

We are every day brought in contact with facts which show what an undue hold the material element has upon us. The haste to be rich, impatience with the old and slow methods of acquiring property, and the love of luxury, are pervading all classes, professional as well as commercial. Smartness is substituted for knowledge and foresight, recklessness for prudence, and the question of right is attenuated into a judgment as to what is expedient. The faculties are in a state of constant tension, and few have the time, disposition, or nervous energy to vindicate their rights when assailed. Private litigation decreases, and there is a tendency to shift the burden of pursuing the wrong-doer upon the State, by turning into crimes offences that ought to remain simply civil injuries. We may hope that this state of things marks but a passing phase of society, and that the next generation, profiting

perhaps by the experience of this, may attain to more wholesome views of life.

It is a common error to place too much stress upon legislation as a cure for the ills of life. Something more is needed to give efficacy to a rule of conduct than to prefix to it the magic words, "Be it enacted." Effective reform must begin a good deal nearer the springs of conduct.

Just now the best work that the legislator can do is in the direction of reducing to order and symmetry the laws we now have. They should be simplified—should be expressed in such form that it would be possible to ascertain one's rights and duties with less difficulty and more certainty than at present. The legal machinery provided to give execution and effect to the substantive rules of law should be as rational and simple as possible. If access to the courts involves so much delay, expense and vexation that a suitor cannot command the means or await the result, to him justice is denied—denied as completely as if he was arbitrarily excluded. More heed should be paid to the qualifications of judges, especially those who preside in what are called inferior courts. It is there that the majority of litigants come in contact with the law. Something more than honesty and a fair character is needed to make a good judge. He must know the law, have the discrimination and ability to apply it to the facts of the causes heard before him, and the judicial independence that will prevent his being even unconsciously swerved from right by illicit considerations and influences. The outcast from society should be as certain that the judge will award him his legal rights as the man who has founded a university, or who can draw his cheque for a million of dollars. Poor judges are expensive judges both for the State and suitors; and justice often miscarries when the lawyers at the bar are abler than the judge upon the bench.

The most effective education in lawlessness is that which comes from denying a man his rights. He first hates the oppressor, and then despises the law and its administration. His sense of justice becomes inflamed and perverted, and he seeks to obtain, through revenge, the satisfaction that should have come through the orderly processes of the law.

Solon seems to have appreciated the relation between a proper assertion of rights and the welfare of a society. Plutarch says that he wisely accustomed the citizens, as members of one body,

to feel and to resent one another's injuries. When asked what city was best modelled, he answered: "That, where those who are not injured, are no less ready to prosecute and punish offenders, than those who are."

A notion is becoming current that the amount in controversy should determine the quality of justice—another instance of the material element getting the advantage of us. To one man one hundred dollars may have more value than ten thousand dollars to another, and he may feel the injustice more keenly when his right to it is denied or sacrificed. The proposition to put a large pecuniary limit upon appeals to the Supreme Court of the United States, and make it a court for the very rich, is an illustration of the prevalence of this fatal fallacy.

It is said that "the greatest trust between man and man is the trust of giving counsel." It might be added, that the greatest trust with which the State is charged is that of providing for the administration of justice. We may well heed the admonition of one of the great lawgivers of the East: "Justice being destroyed, will destroy; being preserved, will preserve. Beware, O Judge! lest Justice, being overturned, overturn both us and thyself."

DEBATE ON PROF. PLATT'S PAPER.

The Chairman of the Department, Prof. WAYLAND, of the Yale Law School, said, among other things:

Nothing is more marked with an Englishman than the determination to assert his rights. With us the opposite tendency is demoralizing. We are suffering from the indifference of the public to the violation of right or justice. Public rights are violated here which would make a riot in London or Paris.

Mr. F. J. KINGSBURY said: We all approve of this doctrine, but none of us expect to live up to it. A man who is known to be very tenacious of his rights is unpopular. Then there is the uncertainty whether a man will get his rights or no. Trials are very uncertain. An eminent lawyer in New York told me that he was engaged for the plaintiff, in a case in which he felt a little doubtful as to getting a verdict. To his relief, the jury returned a verdict in his favor. He had the curiosity to ask a member of the jury how it came about. The juror replied: "When we retired to our room, we stood eleven for the plaintiff, and one for the defendant. I took the one juror aside and said to him: 'I would be glad to know what your reason is for going against the

majority of the jury. Perhaps we may come around to your view.' The man replied: 'Did you see the plaintiff come in with a large gold-headed cane? I will not give a verdict to any man who has a gold-headed cane.' I said to him: 'I feel just as you do; but I took up that cane and looked at it; I am a jeweller by trade: and I found that it was only pinch-beck.' 'Oh, well,' said the juror, 'if that is so, I will go with you.'"

Mr. BENEDICT said he did not know whether we should encourage the enforcement of rights, or should discourage litigation rather. We all recognize the importance of redressing our wrongs; but it is a question whether a man will not thereby sustain a greater wrong. A society to help the members enforce their rights would be a good thing. Greater certainty should be given as to the prospect of justice being done. The question of some other than the jury system is largely under consideration. Also the expenses of litigation should be diminished.

II. INTERNATIONAL ETHICS.

READ BY EDWARD M. GALLAUDET, LL.D., OF WASHINGTON, D. C.

(Sept. 6, 1883.)

Justitia est constans et perpetua voluntas, jus suum cuique tribuendi.—JUSTINIAN.

It gives occasion for no little surprise, that a science of such importance in the world as that which has to do with international relations, should never have been rightly named, in a tongue so prominent and influential as the English.

Dana in his notes on Wheaton (chap. I, § 13) says: "The infirmity of the English language in having but one word "law," by which to express the two ideas the Romans expressed by *jus* and *lex*, the French by *droit* and *loi*, the Germans by *Recht* and *Gesetz*, and for which all other modern nations seem to have two words, appears to be beyond remedy. None has even been proposed."

William Oke Manning opens his "Commentaries on the Law of Nations" as follows: —

"The want of sufficient exactness which attaches to much of the Law of Nations commences with the very name of the science, which is employed by different authors with many different limits of signification. This is in a great measure occasioned by a confusion of the words *Jus* and Law, which are not exactly synonymous. Puffendorf complains of this ambiguity, the word *Jus* having the double sense of Law, and Right, or moral obligation; and the term *Jus Gentium*, which is usually translated Law of Nations, would, perhaps, be more correctly rendered Rights of Nations."

Rayneval, in his "*Institutions du Droit de la Nature et des Gens*," makes it a subject of serious reproach to the English language that it applies the term *law* to that system of rules which governs, or ought to govern, the conduct of nations in their mutual intercourse. His argument is that law is a rule of conduct, deriving its obligation from sovereign authority, and binding only on those persons who are subject to that authority; that nations, being independent of each other, acknowledge no common sovereign from whom they can receive the law; that all the relative duties between nations result from *right* and *wrong*, from convention and usage; to neither of which can the term law be properly applied; that this system of rules had been called by the Roman lawyers *jus gentium*, and in all the languages of modern Europe, except the English, the Right of Nations, or the laws of war and peace.

Seeking for the remedy that Dana declares has never even been proposed, Austin, in his Province of Jurisprudence, (vol. I, p. 115) says: —

"The department of the science in question which relates to international law, has actually been styled by Von Martens, a recent writer of celebrity, '*positives, oder practisches Völkerrecht*,' that is to say 'positive international law' or 'practical international law.' Had he named that department of the science "positive international morality," the name would have hit its import with perfect precision."

In dealing with persons, or natural objects, it may be of little consequence what they are called, and we can say with Juliet, as she deplores the cruel fact that Romeo is a Montague,

> "What's in a name? that which we call a rose,
> By any other name would smell as sweet."

But when we undertake to characterize a science, an industry, a political party, a public institution, an office, or any other impersonal thing, the name given should at least be consistent with the character of the thing, even if it cannot fully express the conditions of its existence. Having shown that the term International Law is neither in harmony with the science so named in English, nor expressive of the conditions of its existence, we will venture to offer a remedy for the defect complained of by Raymond, and despaired of by Dana. And we will then endeavor to show that the science which in its development thus far, against heavy odds and under many difficulties, has done much for civilization, may be expected, under its new and consistent name, to open the way for the nations of the earth into that era of permanent peace and brotherhood, which has been the dream of poets and the aim of philosophers and statesmen.

Many writers, in their endeavors to explain the double, and radically different meanings which attach to the expression, *Law of Nations*, give hints of the new nomenclature we are about to propose, and now, perhaps, more clearly than *Burlamaqui*, in his Treatise, where he says (Translation by Thomas Nugent, Vol. I, p. 138): "There is certainly an universal, necessary and self-obligatory law of nations which differs in nothing from the law of nature, and is consequently immutable, in so much that the people or sovereigns cannot dispense with it, even by common consent, without transgressing their duty. There is, besides, another law

of nations, which we may call arbitrary and free, as founded only on express or tacit convention; the effect of which is not of itself universal; being obligatory only in regard to those who have voluntarily submitted thereto, and only so long as they please, because they are always at liberty to change or repeal it."

Whewell, in the 6th book of his "Elements of Morality," suggests a name by transferring the Latin word *jus* to our language:

"The rights and obligations of nations," says he, "are determined, in a great degree, by a consideration of their general conditions; that is, by *International Jus*. And hence we give to this part of our subject rather the latter name, as implying a Doctrine of International Rights and obligations according to their nature, than the more usual name of International Law, which appears to imply a code of such law already established by adequate authority."

The Law of Nations is then, in one sense, identical with the law of nature, which Grotius well defines as follows:

"Natural law is the dictate of right reason, pronouncing that there is in some actions a moral obligation, and in other actions a moral deformity, arising from their respective suitableness, or repugnance, to the rational and social nature, and that, consequently, such actions are either forbidden or enjoined by God, the Author of Nature." (*De Jure Belli ac Pacis—lib.* 1, *cap.* 1, § x, 1, 2.)

"And Grotius sets out," says Wheaton (*chap.* I, § 2), "with refuting the doctrine of those ancient sophists who wholly denied the reality of moral distinctions; and that of some modern theologians, who asserted that these distinctions are created entirely by the arbitrary and revealed will of God; in the same manner as certain political writers (such as Hobbes), afterward referred them to the positive institution of the civil magistrate."

The superiority of moral considerations is well argued by Whewell, when he says ("Elements of Morality," Vol. II, p. 252): —

"The Law of Nature stands above the Law of Nations, as being a source of a higher morality than may be exemplified by any given rude state of Law. Thus we may say that among the ancients, by the Law of Nations, the inhabitants of a conquered country become slaves, but that there is a Law of Nature, the bond of a common humanity, which abrogates this cruel law."

And Hickok in his "Moral Science," p. 275, urges with equal force that "international relations must rest on the basis of pure morality." "The Law of Nations," says this writer, "stands

only as an appeal to the public conscience of mankind; that which is ethically due from one nation to another in national community; and holds, thus, all to the claims of each in the right of pure morality."

The term "International Ethics" is, then, suggested as of sufficient breadth and exactness to include, and in some degree to describe that which alone can serve as the foundation of enduring and just relations between the several states now controlling the territory and people of the earth.

To the behests of enacted law, independent states will not yield obedience. They bend alone to the demands of the strong arm of Power, or to the voice of Right; and how rarely to the latter in the absence of the former, the student of history may readily determine.

And yet, the fact that in most of the international contests of mediæval and modern times the contending parties on either side have claimed to be defending "the right," goes to show that those even who refuse to submit to the rule of Right, at the same time acknowledge their moral obligation to observe it. In the days of chivalry, war was looked upon as an appeal to Heaven, and success as the seal of Divine approval.

"Is it not true," inquired Gundebald, the Burgundian king, of his Bishop, "that the event of national wars and private combats is directed by the judgment of God, and that his Providence awards the victory to the juster cause?" Even in times as late as the days of Lord Bacon, we find no less authority than that of the great philosopher himself declaring that "War is one of the highest trials of right; for as princes and states acknowledge no superior upon earth, they put themselves upon the justice of God by an appeal to arms."

That a sophistry so absolute could be urged as a truth, by a writer of such strength and clearness as Bacon, can hardly be accounted for, except on the supposition that a confused conception existed in his mind as to the difference between Power and Right. What this distinction is, is made clear by Puffendorf in his "Law of Nature and Nations" (J. Spavan's translation and abridgment, p. 16), where he says: —

"Right is that moral quality by which we justly obtain either the government of persons, or the possession of things; or by virtue of which we may obtain somewhat as our due. There seems

to be this difference between the terms of Power and Right, that the first does more expressly impart the presenee of the quality, and does but obscurely denote the manner how it was acquired; whereas the word Right does properly and clearly show, that the quality was fairly got and is now fairly possessed."

Law demands for its active existence the presence of Power, but not of Right. History is full of instances where, possessing the former, Law has defied the behests of the latter, rejoicing in the commission of the foulest acts of injustice. And we need not look to the past to find the record of the gravest wrongs committed under the sanction of law. For in our own land, where it has been our boast that the poorest and meanest citizen may be sure of justice at the hands of the law, not to speak of other countries in which law means little else than the arbitrary will of one man, or of a very few, how often does the maehinery of the courts permit punishment to the innocent, and give immunity to the guilty! And equally true is it that conduct utterly indefensible on any sound principle of morality is not only permitted, but actually provided for (as will be shown later on), and made right, as far as law can make anything right, in the so-ealled *Law of Nations*.

Surely, then, in seeking for terms that shall measurably deseribe the relations that ought to subsist between nations, the word law must be rejected.

And since no person would claim that wrong in any shape, or injustice, in howerer small degree, ought to be allowed to prevail in the intereourse of nations, any more than in the intercourse of individuals in civil society, we find a reason that can not be set aside, why, among states, as between men, strict morality, absolute justice, may properly be insisted on. We hold, therefore, that in the nomenclature of the science of international jurisprudence, the term International Ethics, or some other which shall, if possible, more completely express the meaning intended to be conveyed, must be aecepted, as indicating the foundation, on whieh alone, an enduring structure whose parts shall be consistent with each other, can be reared.

Whether any part of this science of international jurisprudence shall retain the name of "law,"—that which includes such provisions for example, as grow out of treaties and formal agreements between states, violations of which work disadvantages in the nature of penalties,—we will not undertake to determine, but will pass on to the consideration of the second part of our main question.

And it may be remarked in passing, that, while the misapplication of terms in treating of international relations is more marked in the English than in any other language, it is by no means clearly and strongly urged by writers in tongues foreign to our own, that the only basis of intercourse to be accepted as satisfactory between the nations of earth, is to be found in the principles of morality.

The "stone of stumbling," and "rock of offence," that has caused the chariot of advancing civilization to drive slowly, has been the instability and ever-changing character of the so-called "law of nations." Deriving its efficacy mainly from "common consent," this had only to be withdrawn and there was no law, and in the absence of law no obligation was recognized to follow one line of conduct in preference to another.

For example: many, if not all, of the treaties of the leading European nations have, in modern times been looked upon as essential provisions of international law. The flagrant crime of the partition of Poland is sanctioned in one of these treaties; the iniquitous practice of intervention in another; permission to prey on private property in time of war is accorded in a third; and behold! all these plain violations of morality acquire an odor of sanctity under the cloak of "law," and men take advantage of them with hardly a twinge of conscience.

Now, if publicists would put the stamp of infamy on every treaty or international agreement, attempting to violate the principles of Ethics, and deny to such inter-state enactments all place in any Code that might be suggested for the conduct of international relations; rigorously demanding that in the science of international jurisprudence no element should be admitted which fell short of attaining the standard of absolute Right, a line of progress would be entered upon in which no retrograde movement would ever be possible. The forward movement might be slow, but it would be sure and simple.

A practical illustration of the gross inconsistencies existing and fully sanctioned by International Law at the present time, may be found in the rules that apply to the capture of private property in time of war. Imagine the port of Charleston, with its warehouses full of cotton, to have fallen into the power of an invading foe. The cotton thus found, if belonging to non-combatants, must be allowed to remain the property of its owners; or, if taken for any public purpose, must be paid for. But suppose this cotton to have

been placed on ship-board, and to have been captured by an enemy's vessel just outside the harbor of Charleston. Moving on the common highway of the nations, this private property of peaceful citizens becomes the lawful prize of an enemy. The rule, which allows the seizure of private property on the high seas, may indeed claim recognition in that restricted branch of International Jurisprudence which exists by common consent, but from that broader field regarded by publicists as synonymous with the law of nations, and which we would distinguish as International Ethics, it is plainly excluded. And this is but one of many instances where the lineage of law is to be traced to the progenitor Might, and not Right.

No argument is needed to show that laws so plainly at variance with ethical principles cannot be expected to command the permanent respect and obedience of men. For, as within a nation, every law inconsistent with justice is sure to be set aside sooner or later, so among the nations such laws, though they may have the support of might, or even that of common consent, cannot endure.

In that era of history when Hobbes declared, with truth, "that the natural state of man is war," the rule of might was widely recognized, and an appeal to arms was not even reserved as the *last* argument of kings. But the statement of Hobbes is no longer true; and the spirit of the present age is expressed by Woolsey when he says: "Peace is the normal state of mankind, just as society and orderly government are natural; and war, like barbarism, must be regarded as a departure from the natural order of things."

The chief aim of the publicist should be, then, not to establish rules of war that may mitigate its horrors, though this is of moment so long as war must continue to exist; but to urge the acceptance by the nations of such principles of conduct as shall maintain unbroken the normal condition of international intercourse; and this will be tantamount to the permanent abolition of war.

We have said that the application of the term International Ethics to the science of International Jurisprudence, might be expected to aid in the establishment of an era of lasting and universal peace. For it is at the behest of moral force rather than of physical, that the nations of earth are coming to live at peace with one another, and this under the government, not of a person, nor

of any number of persons, but of a principle; a principle which owes its origin to no human or divine authority; not even (with all reverence be it said), to God himself; a principle which makes itself felt, to a greater or less degree, in all rational action, which has its existence in an eternal and immutable order of things, the force of which is more or less acknowledged by every rational being. What this principle is, and how far reaching its ultimate domain, was clear to the mind of Mirabeau, when he said:

"*Le droit est le souverain du monde*,"—not Law, but Right, is ruler of the world.

It is true that the sway of this impersonal sovereign is by no means universal and undisputed, as yet, but it is equally true that the whole drift and tendency of the conduct of nations to each other is toward obedience to the rule of right. Among individuals, the conclusion was long ago reached, that it is wrong, as well as inexpedient, to resort to violence in the settlement of disputes. Private wars, the judicial combat, and even the duel, are practically things of the past, and for the redress of personal injuries, appeals are now had to the courts, or to private arbitration.

How soon a result similar to this, which has been brought about by the aid of the strong hand of human law, with its penalties and punishments, may be expected as between nations, under the operation of the higher law of abstract principle, with no penalty or punishment, save the damning voice of outraged public sentiment, depends on the readiness or tardiness of the people of the several states of the world in demanding of their rulers, that all international differences shall be settled by arbitration, and not by force of arms. No one can successfully dispute the reasonableness of this method of settling controversies; for, in every difference, the right and wrong can be determined by impartial judges. And when nations seek to gain no more than the right, they will, as both England and our own country have very recently done, submit gracefully, and even gratefully, to adverse decisions which serve to prevent war.

The several arbitrations which were provided for under the famous treaty of Washington, concluded on the 8th of May, 1871, between the United States and Great Britain, are, beyond all question, the most important instances in history when international differences of the gravest moment have been settled without an appeal to arms. The claims growing out of the depredations on

American commerce during the late civil war, by British-built Confederate cruisers, afforded ample cause of war. The same may be said of claims of citizens of either country against the government of the other, arising out of acts committed during the period of the civil war, for the settlement of which a separate commission was provided. And it is equally true that under certain circumstances the disputes growing out of the fishery interests on our north-east coast, and the question of boundary on the north-west, might easily have involved the two nations in war. The aggregate of claims, urged on the one side and the other, exceeded $100,000,000. And the imminence of war at one period was not over-stated by Mr. Sumner, then Chairman of the Senate Committee on Foreign Relations, when, in his speech opposing the Johnson-Clarendon treaty, he said:

"Be the claims more or less, they are honestly presented with the conviction that they are just; and they should be considered candidly, so that they shall no longer lower like a cloud ready to burst upon two nations, which, according to their inclinations, can do each other such infinite injury, or such infinite good."

That differences, so radical as those just cited, involving such enormous sums of money, and submitted to four separate tribunals, in each of which the ultimate decision lay with citizens or rulers of countries other than those at variance, could all have been absolutely settled,—England cheerfully paying £3,000,000 to the United States, and our country paying without complaint $7,000,000 to England, gives practical and conclusive proof that nations can, if they will, remove causes of complaint without a resort to arms, and with no loss of honor.

But the question remains: How can sovereign states be induced to resort to arbitration for the settlement of their differences under all circumstances? Here, as in many other cases of human conduct, the voice of self-interest is raised in support of the behests of pure morality, and when the latter condemns war as wrong, the former cries out that it is inexpedient, because of the enormous drain it puts upon national resources, and also because, from its very nature, it can do nothing more than settle the question of Might, never that of Right.

In the recent strife between France and Germany, the former submitted to the exactions of the latter only because Germany proved to be the stronger in the field; and who doubts that France

will seek an occasion for attacking Germany the moment she feels a reasonable assurance of superior military strength? Unless, indeed, when that time shall come, there be such an access of morality and prudence combined, in the government and people of France, as to restrain them from a repetition of the follies of their ancestors.

The enormous cost of war in modern times, and the heavy burden of taxation made necessary by the maintenance of standing armies, may confidently be relied on by the moralist as efficient allies in the cause of International Ethics. And, although the doing of right from considerations of interest is not to be commended in a strictly ethical point of view, all moralists agree that it is better men should do right than do wrong, even though their motives be not of the most praiseworthy sort.

In bringing this paper to a close, it will not be out of place to consider what practical improvement is likely to be made in the intercourse of nations, when the idea is generally accepted that such intercourse must be based on the principles of pure morality. First, and most important of all, would come the general acceptance of arbitration as a substitute for war; and with the mutual confidence growing out of this, a general reduction of military establishments to a police footing would speedily follow. With the dread of war permanently removed, commerce would become free, and between the nations of earth, while each retained its sovereignty and absolute independence, a fraternal bond would be established, such as no treaty or alliance, however solemnly ratified, has ever been able to effect.

We do not look forward to the establishment of a regularly constituted Congress of Nations, such as old William Ladd, the father of Peace Societies in America, used to pray for, nor that of a parliament such as Tennyson dreamed of as he sang of the time when

> "The war drum throbs no longer, and the battle flags are furled,
> In the parliament of man, the federation of the world."

For the establishment of such a body would involve a certain relinquishment of sovereignty on the part of each country joining in such a federation, to which no independent State should be asked to consent.

Ethically considered, the parallel between the individual and the nation, so far as rights and duties concerning other individuals and other nations are to be regarded, is complete; but in practice

there is a point where the parallel ceases. It is both practicable and desirable for the individual to yield his sovereignty to the government under which he lives. But it would be neither desirable nor practicable for nations to merge any part of their sovereignty in a permanently constituted world-controlling power. The power that is to be effective must, as has already been said, be impersonal. It must be no more than a principle. And so the Code, on which a permanent brotherhood of nations may be based, after providing for all ordinary peaceful international intercourse, would do nothing more than prescribe a stated and regular method in which, for any possible case of disagreement between nations, a special tribunal should be constituted for the settlement of the dispute. And, as a practical step towards the attainment of this result, what would be more fitting than that the two English speaking nations, each certainly of sufficient strength to command alone the respect of the world, having dared to choose peaceful measures rather than hostile, in the settlement of their recent disputes, and having succeeded in this comparatively new departure, should unite in an appeal to the other members of the brotherhood of nations that they reduce, simultaneously, their military establishments to what might be termed an anti-war footing, and that they solemnly agree for the future, to resort to arbitration in the settlement of disputes?

DEBATE ON INTERNATIONAL ETHICS.

S. I. Prime, D. D., said: As a Christian, I am amazed that, near the close of the nineteenth century, the principles of the Prince of Peace have not made war impossible. As a rational being, I am amazed that principles of reason do not prevent rational beings from going to war. I wish this paper, so able, so rational, so full of good sense, might be spread and widely read.

Mr. Mozoomdar, of Calcutta, said: *Mr. Chairman and Ladies and Gentlemen:* In India, the great English people are trying an important experiment; they are ruling a nation of many millions. You wonder that a handful of Englishmen should rule a great nation. I do not complain, because the rule of England has been a source of great good; and I see in it all the hand of a beneficent fatherly Providence. But there is room for great improvement. The government is almost entirely *personal*. To me as a Hindu, and as a religious man, in the end of things, personality and principle become one. But in the government of India, this is not altogether wise. The Englishman who is a

just and generous man at home, becomes a different animal in India. John Bright said, "When John Bull passes the Cape of Good Hope, he throws his New Testament into the sea."

The British first settled in India as "factors," by sufferance of the Great Mogul. They enlarged their schemes; they inserted the thin end of the wedge, till in the battle of Plassy they became wholly ascendant. They saw about them a multitude of small kingdoms. When the Englishman is under the impulse of rivalry, when he has to deal with alien races, he is an unenviable being. The English annexed these kingdoms, one after another. In England, I found the word annex used as equivalent to the word steal. Pretexts were found, and all the territory was devoured. The earth-hunger of England in India has been insatiable. I do not know how you reconcile this with your ideas of justice. The possession of power is a great responsibility, and very deadening to conscience. The British have ceased to feel any regard for the rights of the Hindu; yet the rights of man are a very sacred thing.

The personal treatment of the Hindus by the English is fraught with great future danger. The mutiny of '57 was the result of the absorption of native territory, and of the personal treatment of Hindus by Englishmen.

Queen Victoria (may God bless her!) caused a proclamation to be made establishing equality of rights between all Her Majesty's subjects. But this was *theory*. England felt that she had done her duty in announcing the *principles*. These principles were to be carried out by men totally opposed to them. Sometimes Hindus are employed in office because they are cheaper. But if an Englishman commits a crime, he cannot be arrested, or tried by a native constable or magistrate. There is now a legal measure under contemplation to give Hindu magistrates the right to try English criminals. This has awakened a great excitement among the English in India. In each of the native states there is an English "Resident." In India, there is an insect called the cockroach, quite large, with wings and horns. There is also a small blue wasp, which settles on the cockroach, and so feeds upon him. The British "Resident" is the blue wasp; the cockroaches are the nations of India.

Abstract principles apart from persons cannot govern the world. But I trust that the time will come when persons will become one with principles, when persons will adopt the rule of him who said: "Love your enemies, do good to them that hate you." The Prince of Peace in dying for men, acquired a glory before which the crowns of Emperors lose their lustre.

III. THE LEGAL HISTORY OF THE TELEPHONE.

BY M. F. TYLER, ESQ., OF NEW HAVEN, CONN.

(Submitted September 6, 1883.)

It will be six years next January since the first telephone was applied to commercial use. In January, 1878, a telephone exchange connection, substantially as it exists today, was simultaneously offered to the public in New Haven and in Albany. Today over 150,000 people are using the telephone in this country. This is a prodigious growth of business, and all the more prodigious as it seems to be an entirely new business; something so new as to make one question the wisdom of some utterances accredited to Solomon.

According to the title given to this paper in the prospectus, I am to give you the legal history of this business, and yet at the outset I encounter this difficulty, that the telephone has not yet had time to make what may strictly be called legal history. If one unfamiliar with the practical administration of the business were at this day to ransack the statute books and reported cases in search of telephone law, he would not find matter enough for one chapter of even a very brief history. It is proper, therefore, for me to tell you that this paper must be regarded only as a sketch of this new business from a lawyer's standpoint.

In the first place, then, you will excuse me if, for the purpose of making subsequent statements more intelligible, I presuppose a certain want of familiarity with the very foundations of the business, and state briefly the plan on which it is conducted in the United States.

When the invention of Mr. Bell was brought to the attention of capitalists, about 1877, a company was formed, to whom were sold, with other things, the Bell patents for the United States. This company has subsequently acquired a very large number of patents bearing upon all departments of the business, covering switches, transmitters, different forms of telephones, call-bells, etc. After much consideration it adopted the following method of developing the business:

Instead of manufacturing and selling the patented instrument, it determined to retain the ownership, not only of the patent right but also of the patented property. You will notice that every

telephone and transmitter is clearly marked with the words "Property of the American Bell Telephone Co." To bring the invention into use, it licenses other parties to use these instruments, and to sublet them for others to use. It receives for this license so much each year in the way of rental, but in no case does it part with its property in the instrument leased. This right of use of the patented invention the company has divided into several distinct uses, for each of which is given a specially prepared license. The chief of these uses are the "exchange use," and the "extra-territorial use;" I will define these farther on.

This corporation is now known as the American Bell Telephone Co. of Boston. As the invention attracted attention, men in different parts of the country secured licenses to sublet the instruments, within a defined territory. These licenses were limited in two respects, in respect of time and of territorial extent. In this way, by the close of the year 1879, much of the territory of the United States was covered by temporary licenses. Meanwhile, Mr. Edison had invented, and the Western Union Telegraph Co. had brought forward, another telephone. A suit was begun between the American Bell Telephone Co. and the Western Union Telegraph Co., to determine in whom lay priority of invention. After a mass of testimony had been taken, this suit was settled by a contract entered into in November, 1879, between the American Bell Telephone Co. and the Western Union Telegraph Co., in which the Western Union surrendered all telephone business to the American Bell Telephone Co., and licensed the latter as its sole licensee to use what telephone inventions it, the Western Union, had or might have. In return the American Bell Telephone Co. pays to the Western Union certain sums as royalties, and agrees to make its subsequent contracts with licensees on fixed terms arranged in the interests of the Western Union Telegraph Co.

Up to this time the business had not been profitable. This was due partly to the inexperience of those engaged in it, partly to the defective character of apparatus, and largely also to the competition engendered by the Western Union systems. Under the contract just referred to, this competition was removed, and the Bell Telephone Co. acquired a practical monopoly. The licenses which it issued after the execution of this contract were limited to five years in time; the royalty to be paid for the instruments was somewhat increased, but was uniform, and the uses to which

the telephone could be applied were restricted. Hitherto the duration of time and the amount of rental charged upon instruments had varied according to the cleverness with which the licenses were negotiated on the part of the licensees. From the time of this contract the business began to be remunerative. Money was ready to be put into it wherever it could be started. The limitation of time, however, in the license, soon began to have its effect. Large amounts of capital could not be expected to go into a business which might have to come to a standstill in a period of from five to ten years. It had hitherto been the policy of the American Bell Telephone Co. to issue licenses for unoccupied territory to any well-recommended persons or companies, and to ask no price therefor except the payment of the rentals. About a year after the execution of the contract with the Western Union this policy was changed. The process of absorption and consolidation of the smaller companies began, and with it came the policy of issuing permanent licenses, unlimited in time, though still limited as to territorial extent, for the life of the patent or patents, and to receive therefor, in addition to the royalties, a percentage of interest in the capital represented in the business. This is now the established policy of the corporation, and it has resulted in its becoming a large if not a controlling owner in all local telephone properties, saving one or two not very important territories.

The business, then, is one done under patents primarily; one in which the public comes in contact with the patentee, or the owner of the patent right, only through the medium of a licensee acting under a strictly limited and carefully expressed written grant.

Now, for a moment, let me call your attention to the business of a telephone exchange. A telephone exchange consists of a larger or smaller number of persons embraced within a radius of not more than fifteen miles from a given point, each of whom is furnished with a telephone and call-bell, with a wire running therefrom to a common central office, in which office is so much and such apparatus that any two persons so equipped can be put into speaking communication with one another. These are the essential elements of an exchange; everything else is an accessory. You will note that in this there is nothing essentially of a public nature; hardly anything of what lawyers know as a quasi public character. It is a kind of club, whose actual membership is limited, though its possible membership is an indeterminate num-

ber. In fact, however, every exchange practically has one or more offices at which the public can, for a small consideration, hold communication with any one of the subscribers of the exchange.

An incident or adjunct of the exchange business is the business between exchanges. An exchange under the contracts between the American Bell and the Western Union cannot cover a territory of more than fifteen miles radius from a given point. Communication between exchanges, that is, between points in different exchange territories, is done under what I have referred to as the extra-territorial use. So much for a statement of primary facts.

It is evident at once, that from the lawyer's point of view, there are three departments of this business. The first concerns the very foundation of the whole property — the validity of the patents owned by the licensing company. The second concerns the relations created by the license between the licensing company and its licensees, or the persons actually doing the business. The third concerns the relations of these operating licensed companies to the public at large, and to their subscribers.

In regard to the patents, it is incumbent upon me to say but very little. It is a fact that they have not yet been successfully attacked, but that, on the contrary, several decisions have been rendered in their support; it is also quite as much a fact that their validity, both as regards priority and as regards the scope of their claims, has not been settled by the court of last appeal; and also that these very questions are at issue in several suits which are now dragging their weary length along in our federal courts. Consequently, anything I could say now on this subject would be but a matter of personal opinion which, however interesting to the stockholders of the company of which I am an officer, could have but little weight with this audience.

As regards the relations of the operating and licensed companies to the licensing company, it may be said that these relations in every instance are the subject of carefully drawn and intelligently executed written contracts; that they can be readily determined by either party thereto; and, moreover, these contracts, so far as concerns the relations of the parties to them, have never come under the construction of the courts. The licensor and the licensee have never disputed over their relations except in private. This part of the subject, therefore, has no legal history to which the public is entitled.

We see ourselves, then, confined to the third division of the subject — the relations of the operating and licensed companies to the public and to their subscribers.

In examining the law upon any subject which is at all new, there are one or two things first to be remembered. The law, in its expression and in its administration, is from its very nature concerned more with things as they have been, or as they are, than with things as they shall be. Consequently, we find that there is no definite and precise provision ever found in the law for a future, and as yet unknown, state of facts. The law never goes beyond actual experience, and in the department of actual experience treats only of those things and those relations which have been brought to its attention either through the courts or through the legislature. Consequently we find there is very little of expressed law which directly refers to the telephone business as distinct from any other.

I shall consider what positive law has been made affecting telephony by the legislature in any of its forms; then I shall pass to such case-made law as has been determined in the causes involving questions of telephone law which have come to decision in the courts, and afterwards I shall mention one or two cases which may arise.

The legislation affecting the business of telephone exchanges is to be carefully distinguished from that which affects them in common with other corporations. I shall mention only such actual or attempted legislation as has been aimed directly at the telephone exchange, and of this only such as has been attempted by State legislation. Municipal legislation is so local in its character, and concerns only such minor interests, and is besides so varying in its detail, that no general conclusions can be drawn from it.

Of general statute legislation, then, let me say, to begin with, that considering that the telephone has attracted so much attention, and has been the source of so much money-making, grumbling, speculation and amazement, there has been an astonishingly small amount of direct legislation upon it. On the statute book of by far the most of the States, the word "telephone" does not appear. Connecticut, Massachusetts, Missouri and Rhode Island, and to some extent Pennsylvania, New York and Iowa, have introduced the word "telephone" into their statutes wherever the word "telegraph" appears, thus making telephone companies for

all practical purposes identical with telegraph companies. The interests that this touches are their organization, their method of taxation and reporting to the State treasurer or auditor, their connection with other lines, their acquisition of rights of way, etc. Indiana and Wisconsin have passed laws regarding the organization of telephone companies as such. The Indiana statute has one or two peculiarities worthy of notice. In the first place, railroads are authorized to become stockholders in telephone companies. In the next place, stockholders are individually liable to the extent of the face value of their stock over and above what they have paid upon it. This statute is interesting, also, inasmuch as it lays down a rule of damages in case an instrument fails to work. No special damages can be recovered. The only damages allowed are rebate of rental for the period during which it was unserviceable. Minnesota has legislated regarding the setting of poles, but in a regulative and not restrictive manner. Wisconsin is the only State that has by legislation applied a general rule of policy to telephone companies. That was done by a statute passed in 1882, by which the exchanges are compelled to furnish connection to every applicant without discrimination. Under the same circumstances everybody, every member of the public must be treated just alike. This settles by statutory declaration a question about which there is some doubt in States where such action has not been taken; that is, the question whether a telephone company is so rendering a public service as to be subject to that law regulating common carriers, which obliges such a corporation to treat all members of the public alike. It also conflicts with a clause contained in all the licenses granted by the American Bell Telephone Co., or rather it renders that clause nugatory. When the contract was made between the Western Union and the American Bell Telephone Co., after the Western Union had licensed the American Bell to use its instruments as sole licensee, and had parted with all its own right to use them, the American Bell Telephone Co. granted to the Western Union a certain portion of the patent right in each invention which it owned, no matter how received, which grant was the exclusive use of those inventions for the purpose of collecting and distributing telegraph messages. In pursuance of this part of the contract between these two great corporations, and in so far as possible to protect this property already granted out of its patent right, the American Bell inserts

in each of its licenses a clause to the effect that the licensee, that is, the party who is to establish and run the exchange, shall not allow any telegraph company, except the Western Union, to become a subscriber to the exchange, and shall not allow its subscribers to use the telephone for the transmission of telegraphic dispatches to and from the office of any telegraph company except that of the Western Union. The licensee, on the other hand, in pursuance of this clause of its license, puts into his contract with his subscriber an agreement by which the subscriber binds himself not to use the instrument for the above purposes. Of course, legislation such as has been passed in Wisconsin would render the restriction regarding admitting telegraph companies as parties to the exchange on the same terms as other persons, of no force. Whether it touches the further question of allowing telegraph companies other than the Western Union to use the telephone as the Western Union uses it, is a question which we will consider further on. Wisconsin has also, by a still more recent statute, created a general method of license for telephone companies, the license being in proportion to their business, and taking the place of taxation. And perhaps it is as well to state here as anywhere an interesting dispute to which this legislation has given rise. In the town of Oshkosh, in Wisconsin, the local authorities in exercising their right to regulate the setting of poles imposed a local license of an amount so large as to make it a substantial tax. The company refused to pay. The local authorities cut down one or more of the poles of the company. Then the company paid the license, so far as that pole was concerned, under protest, recrected it and put their subscribers into connection temporarily, gave thirty days' notice to their subscribers of the discontinuance of the business, and are at this day as rapidly as possible removing their instruments and abandoning the town.[1]

From the very character of the business, telephone companies exercise to a limited degree a part of the right of eminent domain inherent in the State. For the construction of their works it is necessary that private property, especially in the highways, be subject to an easement. The questions which arise under this exercise of the right of eminent domain have been duly con-

[1] The conduct of the exchange in Oshkosh, referred to on page 169, resulted in a withdrawal of the offensive demand by the city, and the business continued as before.

sidered, and on the whole well settled in the history of the telegraph business. But as regards cities, telephone companies have to exercise this right so much more extensively that it is probable that new sides of this doctrine of eminent domain will be presented. It has seemed to me that it is quite within the possibilities that property may be subject to a right in the telephone company to cross it without permission after proper condemnations. In many cases it is necessary to suspend wires over property which is not actually touched. So far as I know, there has been nothing in the decisions of the courts, or in legislation, to limit a man's right to control everything over his land, even if it does not rest in any way upon supports fixed to the land. But I make the suggestion as indicating one of the possible questions that may arise. There has been a vigorous, and I think very just assertion of the rights of the public in the highway, in a case which was decided by Judge Thayer, of the Circuit Court of St. Louis, and has very recently been affirmed by the Supreme Court of Missouri. The case was this: With the consent of the city authorities, the company was about to set two poles on Sixth street, in St. Louis, near the outer edge of the sidewalk, in front of the premises of the Julia Building Association. Under this sidewalk was an area connected with the building, and to set the poles it would be necessary to bore through the flagstone for the distance of about seven feet into the area wall erected at the outer edge of and underneath the sidewalk. The owners of the building brought a petition for an injunction, which was heard by Judge Thayer and dismissed. The Judge says: "The public not only have the right to pass over and along the street with vehicles and the like, but they have also the right to make any other use of the soil in the highway that is conducive to the public welfare and convenience. When land is dedicated for the purpose of a highway within the limits of a city, without other condition than that it is to be used as a highway, it is clearly implied that it should be used not only to accommodate travel, but to support structures of the kind above indicated—(gas, water and sewer pipes, horse and steam railway tracks, and telegraph poles), inasmuch as such structures, though erected by private capital, are in one sense public servants like the roadway itself." Then the Judge goes on to say that in that State the legislature may authorize the use of the streets of cities

and villages for such purposes without making compensation to the owners of property abutting thereon, because such use is a reasonable and natural use of the highway, and is involved in and paid for with the easement created by the highway. And further, he regards this right as paramount to any right which individuals may claim to make and use excavations under the street for their private benefit or convenience. The Judge held that while the owner of the building might maintain an action for the wilful injury of this area, yet if it became necessary to bore into the wall for the purpose of setting a telegraph and telephone pole, the wall could be used as a foundation for such structures in the same manner and under the same circumstances as the soil of the street which the wall displaced. The principle of this case is simply this, that the easement of a highway involves the dedication of the land for the setting of telegraph poles under and subject to the regulations of municipal authority, just as much as it does for the passage of teams, or foot-passengers, or animals, over that particular piece of soil subject to similar regulations. With this rendering of the law a permanent right of way can be acquired for telephone companies. We believe that the telephone has become so much of a necessity, that this may become the law in all States.[1] It is simply putting telegraph and telephone companies on the footing of horse railroad and gas and water companies, as regards their relation to the highway franchise.

To come now to the relations existing between the telephone company and its subscriber. In the first place, these relations are definitely fixed by contract. The American Bell Telephone Co. compels its licensees to take a written contract from every subscriber to an exchange. This contract distinctly states what the company undertakes to do, and the conditions on which the subscriber takes his instrument. This subscriber's contract is intended principally, so to restrict the uses of the instrument, that the provisions of the agreement between the American Bell Telephone Co. and the Western Union, shall be observed. In that instrument the Western Union tried to protect especially the business of the Gold and Stock Co., and its own quotation and associated press work. Consequently market quotations and other

[1] The principle of law enunciated in this Missouri case has been declared by the Supreme Court of Massachusetts to be the doctrine of that State in the recently decided case of Pierce et al *v.* Drew et al, not yet reported.

news for publication are contraband over a telephone wire. So are messages to be sent by any telegraph company other than the Western Union. The penalty of a breach of these provisions of his contract by the subscriber is the forfeiture of his right to have the telephone at all.

In New Jersey, New York, Kentucky, Ohio, and more recently in Connecticut, attempts have been made either to restrict the building of telephone lines, or to put them under ground, or to prescribe their rates of charges. But although bills for these various purposes have been introduced into the legislatures of one or more of these States, nothing has come of any of them. Perhaps the most serious was the underground bill in the legislature of New York in the last session. It may be well here to state, as I think I am able to state from the point of view of telephone management, the position of those engaged in the business on the subject of putting wires under ground. I believe that I express the opinion of the best practical managers of telephone systems, when I say that were it possible to operate a system successfully with underground wires, it would be to the advantage of the company to build their plant in that way. The real, substantial, and to my mind as yet unanswered objection to putting the wires of telephone companies underground, is that as yet discovered and made public, there is no system of so building the wires which will enable a large exchange to operate. We do not want to do it, simply because we cannot do it. Experiments have been tried in various directions, and in every instance where they have been tried without prejudice, and without pecuniary interest, they have failed. The only experiment in this country of which we have reports of successful results are those which have been carried on in the interest of some patented system which is looking for pecuniary returns. In the operation of exchanges today, a very large amount of the operating expense is that which is incurred in maintaining these systems of aerial lines. A successful system of subterranean lines, though costing more in the first instance, would, I believe, be for the advantage of telephone companies. The trouble is, such a system does not yet exist.

This comprises briefly about all the State legislative history of the telephone business, and it will be seen at once that hardly any questions of importance have been settled. When, for instance, we begin to examine into such a matter as taxation, we are cast

into inextrieable eonfusion. As yet telephone companies do not extend mueh beyond State limits. I believe, however, that the time is not very far distant when the number of independent telephone companies in the United States will be comparatively small. They will from natural causes beeome grouped and consolidated into a few large and territorially extensive eorporations. Then the question of taxation will be one of very great interest. Of course it is well known that the whole matter of taxation of eorporations in our States is in a deplorable eondition. There is no uniformity of prineiple in the different States, and within the limits of a single State the widest range of praetiee has been found. It is especially diffieult to establish any equitable method of taxation for a business like that of the telephone, where the value of the property used ean be made so great or so very small aecording to the standpoint from whieh it is viewed. It has always seemed to me that the true method of appraisal was one whieh was based, not at all upon the amount of capital aetually spent in the plant, nor upon the eapital whieh this plant was supposed to represent in the form of stock, but upon the amount of business done within the limits of any State as represented by gross reeeipts. This system, however, has been applied to telephones in but very few instances. It would take the rest of the afternoon to deseribe all the methods under which they are taxed, and the result would be of no value.

To sum up, then, in regard to positive legislation, I may say, first, that it is the tendeney, though by no means universal, to regard telephone eompanies in most respeets as telegraph eompanies, and this tendeney is indieated either by direet legislation or by implieation in the administration of existing statutes; seeond, that the terms on which exehanges shall serve their customers have as yet been almost uninterfered with; third, that the most that has been done has been done by the loeal authorities in the way of regulating by general statute the building of lines and the exereise of the franchise which the eompanies generally enjoy on the highways.

Turning now to the law that is not made in the legislatures, but in the eourts, we find a still greater want of material for history than in the other departments of our subject. Telephone companies as a rule are peaeeable, and avoid fights. Very few of the companies have been sued, and in those that have been sued

questions of general interest have come up in but few cases. The question of the validity of that clause in the license to which I have already referred, which forbids the exchange to furnish connection to any telegraph company without the consent of the American Bell Telephone Co., and which forbids the use of the telephone for the collection and distribution of telegraph messages by parties other than the Western Union, has been brought to the courts in two States; in Ohio and in Connecticut. In Ohio, mandamus was brought by the American Union Telegraph Co., to compel a telephone company to give this connection. The question was decided against the telephone company in the court below, and went up on appeal to the court of errors. Consolidation of the telegraph companies ensued before the case was argued, and as a result it was submitted without argument, and a *pro forma* opinion was entered supporting the mandamus. In Connecticut, the American Rapid Telegraph Co. attempted the same thing, and the case was defended by the Connecticut Telephone Co. Mandamus was refused in the lower court, and in the court of appeals that judgment was affirmed, and the validity of the contract established so far as that State is concerned. It was held in substance that the restriction was one which the patentee had a right to make; that the exchange held nothing under the patents but what was expressly granted; that this right was expressly reserved, and consequently the exchange had no power to execute a mandamus should the court issue one. The question whether or not a telephone company was a common carrier was not discussed by the court (49 Conn. Reports, 352).

The Louisville Company have had a contest over another though similar question, that is, whether they are obliged to furnish connection to any one who asks it. In their case the question arose in connection with their carriage service. It seems that the company was running a livery stable, from which they sent carriages to their subscribers as they were called for by telephone. They refused to rent telephones to livery men. A competing livery establishment asked for a mandamus to compel the company to give them telephone connection, thus bringing them into direct and favorable competition with one department of the business of the exchange. The case was decided against the exchange in the lower court on the ground that the company was doing a public business, was the public servant in the nature

of a common carrier, and must furnish to all alike, even to competitors. The case was appealed, but before it could be argued the exchange sold its carriage business, and the matter was by mutual consent dropped. The opinion of the lower court is published in the September number of the Kentucky Law Journal for 1881, on page 144. It will be found that the chancellor based his decision upon the opinion of Judge Thayer in the case of the American Union Telegraph Co. *vs.* the Bell Telephone Co. of Missouri, in which the question already referred to of telegraph connection was brought up. This St. Louis case was not carried beyond the lower court because of the intervention of consolidation.

Still it is impossible for any contract, so framed that men generally will sign it, to cover all possible conditions or contingencies. Circumstances will arise, and have arisen, not contemplated by the contract, and while very little if any law has been authoritatively enunciated by the courts on any of these questions, still it is worth while to look at them. One of the questions that earliest arose was the responsibility of the telephone company for accuracy in the transmission of messages. The theory of the telephone exchange is that the patron of the exchange sends his own message, and receives his answer directly from the person with whom he communicates, without the intervention of a third intelligence. The actual fact is, that in long distance talking the operator at the exchange often becomes the medium of repetition. I suppose it will be confessed that where one subscriber talks directly to the other, there is no question of responsibility on the part of the telephone company. The exchange then can in no way control the message. It knows nothing of its contents, and is responsible for nothing but the working of the means of communication between the two parties interested. If the person calling is put into communication with the person for whom he asks, and the communication proceeds, whatever may result from that communication of loss or damage, or injury to the feelings of either person, the telephone company cannot be held responsible. It is no more responsible than the carrier of a note, who is ignorant of the contents, could be responsible for an insult or deception which that note might contain. The question, however, becomes more complicated when the operator takes the message from the sender and transmits it by his own word to the receiver. Where

this becomes the fixed custom of the exchange, it would be a grave question whether the company were not responsible for ordinary care and diligence to secure accuracy in the transmission of the message, and it is not improbable that the court might hold that such care would require the repetition of the message by the operator to the sender, in order to be sure that he had it correctly. As to the responsibility of the company for the failure of instruments to work, I suppose that from the ordinary rule of law special damages could not be granted unless special neglect and want of ordinary care on the part of the exchange could be proved. Undoubtedly a rebate of rent for the time during which the instrument was inoperative could be claimed. Analogous to the question of responsibility for messages, is the one as to what control the company can have of the instrument to prevent its use for unlawful and immoral purposes. This was an unsettled question until very recently, but by a recent decision (of a lower court to be sure) in one of the western States, a company was justified in removing an instrument from a subscriber's premises because of improper use.

I believe that in what I have said is contained all of what can, with any propriety, be called the legal history of this invention. I doubt very much whether there will ever be enunciated any body of law which can be denominated "telephone law," as distinct from other law, to the degree in which we speak of "telegraph law" or "railroad law." Though the business is new, it is so analogous in character to the business of telegraphing, railroading and expressage,—analogous though not identical,—that I think the probabilities are that as in the development and permanence of the business one and another question is brought before the courts, each will be decided not only on the principles of telegraph and other law, but directly by that law. Telegraph law will so far as applicable be telephone law. After an experience of four or five years in the business, both as a lawyer and an officer of a telephone company, I am unable to see what questions can arise that cannot be so decided. It is true that the peculiar and dependent manner in which the business is carried on, being that of the business of licensees instead of independent owners, may raise some questions in which the properties of patent law, and the peculiar rights of patentees as against the interference of State legislation or State judicial construction, may

cause the determination of some questions in a manner very different from what they would be determined if those who are operating were actual owners of these instruments. It is of course well understood that a patentee is governed in the commercial management and development of his patent only by his own pecuniary interest, subject to police regulations. The principles of public policy such as have been evoked to sustain somewhat strained decisions in some of our western States, notably in the elevator cases in Illinois, cannot be applied to this species of property. Dedication to public use would involve, as regards a patent right, a direct contradiction of the terms of the patent granted. It would be an abdication on the part of the patentee of the rights which the federal government has given him. What federal legislation may do I would not undertake to say. The business now is one in which there is no competition. I see no reason to believe that there will be any competition for a long series of years. Legislators and many would-be public benefactors, who are but imperfectly acquainted with the facts, may find this "monopoly" a favorite subject of attack. They have always known how to manage large business interests, whether railroads, telegraphs, or anything in the nature of corporation business, much better than the trained minds that are devoted to it. We cannot expect an interest of such importance, and in which apparently the profits are so large, to escape their attention. I do not, however, believe that it will be possible to effect very serious modifications of the business, or to create any legal history which shall be peculiar to it, until the protection of the patent laws of the United States has been removed.

ADDRESSES AND SPECIAL PAPERS.

I. THE AMERICAN CIVIL SERVICE SYSTEM.

AN ADDRESS BY JOHN M. GREGORY, LL. D., OF THE UNITED STATES CIVIL SERVICE COMMISSION.

(Read September 6, 1883.)

Within the year, Civil Service reform has passed from the domain of theory to the domain of facts. A year ago it was a question to be agitated and answered; to day, it is a system to be enforced. Seldom in the history of peoples has a great social or political cause come to so sudden a triumph. In November, the American people spoke their mind through the ballot boxes. On December 28, the Senate passed the Civil Service bill, only five voices dissenting, and on January 5, the House of Representatives passed the bill by a vote of 155 to 47. January 16, the President affixed his approving signature and the bill became a law of the land. The 1st of March, the commissioners nominated by the President were confirmed by the Senate, and March 9 they took the oath of office and entered upon their work. May 7, the new Civil Service Rules formulated by the commission were promulgated by the President, and June 19, the first Civil Service examinations were held at Chicago and New Orleans. Before July 16, the day fixed by the act itself for appointments to commence under its provisions, examinations had been held for twenty of the twenty-three post-offices, and nine of the eleven customs districts coming under the rules, and a general examination for the several executive departments at Washington. Since that date, examinations have been held for the remaining offices, and a second series has been held in nearly all, to replenish the registers of eligibles, and provide an adequate supply of approved applicants to fill vacancies, actual or anticipated.

Appointments were made from the lists of the examined, in several cases, before the law required the candidates to be taken from those lists, showing the ready disposition of the appointing officers to accept the new order of things. Appointments from the registers of eligibles have now begun all along the line, and

the system may claim to be fairly inaugurated. The law met with a cordial reception from all the heads of the offices coming under its provisions. Many of them declared they had been compelled to anticipate its requirements, and to inaugurate a sort of Civil Service reform of their own, to enable them to carry on successfully the business of their offices. From all quarters comes a constantly increasing volume of approval of its provisions. The enactment of the law, and the promulgation of the rules, have acted as missionary forces, and have probably made more converts in six months than all the reform associations had been able to do in ten years. There is a popular power and argument in a statute that cannot be found in the most eloquent speech. A law is public opinion, not struggling in debate and waiting for a majority, but crystalized into a statute, with the majority legally arrayed on its side, and armed to enforce it. Thousands who listened with little interest, or with vague distrust to the plans of reformers, as to an untried scheme which a coming generation might venture to approve, now recognize that scheme as a fact accomplished, a plan in operation whose feasibility is proven, and whose usefulness is no longer to be questioned.

Civil Service reform has come to stay. The chiselled statue can never again be hidden in the quarry whence it was taken, nor the builded ship be turned again into forest oaks. Partisans eager for spoils may attempt to discredit it. Doubting and unfriendly congressmen may desire to repeal the law, or to cripple it by hostile amendment; but no party can long or successfully brave the will of the instructed American people. The system may be changed, enlarged and improved, but it is here to remain, a part of our system of government. The evident duty of the hour is to study it and make it known. To this work I dedicate this opportunity.

The Civil Service Act itself was formed by the union of two bills, distinct in scope and purpose. The first was the so-called Pendleton bill, which sought to fill the administrative service of the country by competitive examinations. The second was a bill championed chiefly by Senator Hawley, and aimed against political assessments. These two bills represented the two great distinctive aims of Civil Service reform: (1.) the creation of a pure and efficient service for the country; (2.) the total separation of that service from party politics. If the latter object was held more

prominently in view by the advocates of reform, it was because evil always commands attention before the good which it mars or hinders. The physician always attacks disease, knowing that if he can stop the morbific action, nature itself will restore the functional activities of health. The *Spoils System* was a disease which had fastened itself upon the political life and institutions of the Republic, and to stay the ravages of this disease was evidently the first step to any true and adequate reform. The intrusion of party workers and party activities into the offices devoted to the public business, had opened wide the doors for all kinds of abuses. Poverty of service, and neglect of duty, were palliated by a show of zeal in the party cause or caucus. The lines of discipline grew indistinct in the presence of this element, so foreign to the purposes of the office. On the other hand, the presence of a body of paid partisans, whose energies could be used in so many ways in the management of a campaign, and above all, the contributions that could be forced from clerks who owed their places to party favor, and might lose them by the failure to carry an election, polluted the very sources of service, and tended to turn the forces which were designed to do the work of the people, into agencies to defeat the popular voice and will. If, as is doubtless true, the greater number of clerks and officials have remained comparatively true to their trusts, performing faithfully the public work, and trying for the public good, it has been in spite of the poisonous and palsying influence of the system under which they have worked, and not because of it.

We have seen the poor victim of consumption continue to relish and digest his food, and to perform regularly, and with seeming health, most of the functions of life, notwithstanding the terrible disease which was feeding upon some vital organ and slowly wasting the very tissues of the body. The friends of the patient have shut their eyes to the dread disorder, and kept alive their hopes, and the hopes of the doomed victim, by pointing to the show of healthful action still remaining, and to functional energies as yet untouched. So, formerly in England, and more recently in this country, the disbelievers in Civil Service reform resented all charges of political disease, and pointed to the public service, still so largely excellent and vigorous, as proof that no danger lurked in the political system, and no change was demanded in plans of administration. Grave statesmen, in the mother country, and

here at home, have put themselves on record with this foolish objection to reform, that the Civil Service was already good enough, and that it showed evident signs of vigor in spite of the party work imposed upon it, and the party despotism which traded upon its places. As well disregard the leak in a ship, because, forsooth, the engine still does its work, and the vessel keeps on its course.

The Hawley Bill.

It was the purpose of the Hawley Bill, which now forms the concluding sections of the Civil Service law, to strike at one of the chief partisan abuses of the service by prohibiting political assessments. The hundred thousand officials, clerks and employés were, under the old system, to any party in power, an unfailing and almost inexhaustible source of funds for political purposes. Every one, even women and messenger boys, might be appealed to, and almost compelled to contribute to the election campaign purse, urged by the fear of going out with their party if the election was lost, or of being turned out for not contributing if the election was won. To prevent this dangerous abuse of partisan power the Hawley Bill strictly forbids all Senators, Representatives and delegates in Congress, sitting or elect, and all officers of the Government, executive, judicial, military or naval, and all clerks and employés in any branch, bureau or department of the Government, to either solicit or recive, directly or indirectly, from any other such officer, clerk or employé, "any assessment, subscription or contribution for any political purpose whatever." It also prohibits all other persons from soliciting or receiving such contributions of money or other valuables in any room, building, navy-yard, fort or arsenal of the United States. It further stringently forbids all discharge, promotion or degradation, and all promises and threats thereto, "for giving or withholding or neglecting to make any contribution" for any political purpose. And, finally, it directly inhibits every officer, clerk and other person in the service of the United States, from giving or handing over to any other officer or employé, including all members of Congress, any money or other valuable thing, on account of, or to be applied to, the promotion of any political object whatever. All these prohibited acts are declared to be misdemeanors, and are made punishable with fine and imprisonment. If these provisions of the law are

fairly enforced and obeyed, they will drive out of the Government offices at once, and keep out forever, the corrupt and corrupting influences which have tended to turn those offices into shambles of official honesty and of public liberty. They cut, as with a stroke of the cimeter of Saladin, every nerve and vein and artery of mercenary political connection between the subordinate civil servants and their political chiefs. The officers and other employés of the Government may still bear their part in the political contests of their country, but it will be as citizens, not as officials, and it must be outside of all official places, persons and relations. The temple of the public service and all its courts must be cleansed of all buyers and sellers of offices and votes. Men may and doubtless will sometimes violate these prohibitions just as men continue to steal and commit other prohibited crimes, but the law of the land is clear and full against them, and they make themselves criminals by every violation of the statute.

We may speak the more freely of these things, because both of the great political parties have sinned in these abuses of the public service, and if the party now in power sinned last because last favored with opportunity, it has voluntarily disrobed itself of its power of sinning by proposing and adopting this stringent law.

The Pendleton Bill.

The bill introduced by Mr. Pendleton, did not neglect to prohibit the enforcement of political proscriptions and contributions, but its main aim was to accomplish the more direct and complete reform of the Civil Service, by providing for the selection of Government clerks and employés on the basis of personal fitness; and, by consequence, excluding personal and political influence in procuring appointments. As the Hawley Bill attacked the pecuniary element in political preferment, this attacked the personal. The former sought to free Government servants from political taxation; the latter aimed to free them from political domination and dependence. The one would accomplish its purpose by simple and plain prohibition, the other by the substitution of a new system of appointments,—the putting of competitive examinations in place of Congressional or other political recommendation or dictation. The Hawley Bill forbade a great crime against the Republic. The Pendleton Bill wrought a great revolution in the Government, and inaugurated a new civic

system for the country. This system it is important that every good citizen shall understand, in order that he may intelligently support it. Its main features may be defined as follows:

(1.) The Commission.

Like the English Civil Service System, ours lodges the practical management of the system in the hands of a Civil Service Commission. The United States Civil Service Commission is composed of three Commissioners, of equal rank and authority, appointed by the President, and confirmed by the Senate. This Commission differs from the former Civil Service Commission under President Grant in the important fact that the office of the Commissioners is distinctly created by law, and this law defines their duties and prescribes their salaries. They thus take their place among the permanent and responsible officers of the Government. The President is made by the Constitution the head of the administrative forces of the Government. He is the chief appointing officer, and by himself, or through his Secretaries, the heads of the several departments, he appoints most of the officers and employés of the Civil Service. The Civil Service Commission is created by the law to assist the President in this important function of his office. At his request, they aid him in the preparation of civil service rules, which, when promulgated by him, become binding on all the executive officers of the Government. These rules, the Commission is charged to carry into effect, and to it is thus committed the general management of the system.

(2.) The Competitive Examination.

The second great feature of the system is the use of the competitive examination. The law provides that no officer or clerk in the classified Civil Service (that is, the service at the departments in Washington, and in the post offices and customs districts included under the law), shall be appointed, employed or promoted without having first passed an examination, or been shown to belong to some class exempted from examination under the law or rules.

The aims of the examination, as declared by the law, are, *first*, to test "the fitness of applicants for the public service;" and, *second*, to "test the *relative* capacity and fitness of the persons examined." These two aims are nearly distinct, though possible

to be united. The first ascertains the actual qualifications of each applicant; the second ascertains the comparative merits of two or more applicants. The former is the common aim of what are usually called "pass examinations." The latter is the proper purpose of the competitive examination. The competitive examinations of the Civil Service are to serve both uses: *first*, to admit to the register of eligibles and to the service, none but competent persons; *second*, to select from applicants who appear, the most competent, and present them for appointment in the order of their merit and fitness. So far as the examinations are competitive, it evidently matters little whether they are high or low in character, since, in either case, the best man will stand highest. But as far as they are designed to serve as "pass examinations," to test positive fitness, they must be adapted in grade and character to measure the intelligence and qualifications required.

Much of the law and of the rules is occupied with this subject of examinations. The system, indeed, hinges on these. It is through its examinations that it proposes to select, henceforth, the clerks and subordinate officials of the Government. Against this feature of the system, the heaviest objections of its opponents have been and will be brought. It is the examination which shuts out the political influence and the spoils system; for, if the applicant passes at a sufficiently high grade, he does not need political influence; if he does not so pass, no political influence can help him.

The importance of the subject demands a more particular discussion. The objections most frequently urged against the system are these two: (1.) The examinations must be of a merely literary or scholastic character, no other being thought possible. (2.) No such examination can fairly test practical qualities, such as honesty, industry, skill and experience. The best reply to these objections is to describe the system that has been adopted and is now in use.

The Examination Fourfold.

The examinations actually made are fourfold.

(1.) The application paper, which the applicant must make under oath, is a rigid inquest into the age, nativity, residence, health and physical condition; present and previous business; education and experience. If these are satisfactory, (2.) next

comes the competitive examination into the penmanship, orthography, knowledge of numbers and accounts, ability to use the mother tongue, to write a letter, and knowledge of the geography, history and government of our own country. If the candidate passes above 65 per cent. on the first three of these subjects, (the writing, orthography, arithmetic and accounts,) his name is placed on the register of eligibles to await his turn to be certified when vacancies occur. (3.) When his name is reached on the list it is sent in with three others to the appointing officer, and from the four this officer selects the one he prefers. This constitutes a third virtual examination, for the appointing power has a right to inspect the papers, and to see the persons, and, although each name must be sent in three times, (in Washington twice to each department, or fourteen times in all,) still any *one* may be rejected, though not all. (4.) Nor do the examinations end with this selection. The first appointment is always for a probationary period of six months. This is a six months' examination into the practical and staying qualities of the applicant. No cramming can avail him here. He is on trial to test his inmost and fullest capacity and if he fails to make good the promise of the three preceding examinations, he is finally dismissed. If under this plan the government fails to get good clerks, the fault will be, not in the system, but in the negligence of the men that operate it. No great commercial or railroad corporation could take sounder or more searching methods than these to procure good and competent clerks and agents. Is any other answer needed to those who would discredit the Civil Service system by objecting to the inadequacy of any and all examinations?

But we need not, and do not, yield to the objection that the literary examination is so uncertain. It is by no means so futile and indecisive as is frequently affirmed. Good scholarship, in nineteen cases out of twenty, is proof of brightness of parts, of industry, and of readiness in the acquirement of facts—the very qualities which go to make an intelligent, trustworthy and useful clerk or public officer. The mere "book-worm," idle and impracticable in all things else, is not the common product of our schools. If he is, then the American people are greatly mistaken in their belief in the value and importance of education, and they are committing a most egregious folly in maintaining such costly school systems,—expending $100,000,000 annually to turn bright

boys and girls into lazy, incompetent "book-worms,"—the poorest of all the grubs. If the objection means that the young man fresh from the schools has not as much business experience as the man who has been at work in the business world ten or more years, the fact is too plain for debate; but it is a baseless assumption that the school boy fresh from school, will pass the examination better than the man of experience. The testimony from the Civil Service examiners in the New York Custom House is that business men from 30 to 35 years of age pass the best examination. Even the literary examination then brings to the front the best practical men.

The Spoils System selects without examination. Has its success been such as to evince that examinations are needless? Gen. Garfield is said to have estimated that 30 per cent. of the clerks in Washington are incompetent or useless. A chief clerk of large experience affirmed to me that one-third of the clerks do two-thirds of the work. Whatever may be the truth in these statements, it is safe to say that not a Department or Bureau can be found in Washington in which there are not incompetent or inefficient clerks whom the head of the Department or the chief of the Bureau would be glad to be rid of. If the system of examinations shall give no better results than the Spoils System, it will be very speedily condemned.

The Real Issue.

The real issue between the old system and the new lies in this question of examinations. The advocates or partisans of the old system deny the utility of examinations, and vaunt the value of personal inspection, or of recommendations which are supposed to come from personal knowledge or inspection. The official of the old school has a sort of "thumb rule" for judging candidates for office under him. Give him a fair look at the man, and he is sure he can decide at once upon his capacity and general working qualities. He cannot conceive that any such inquest into character, attainments and capacity as the Civil Service rules provide for, can be equal to the off-hand judgment he forms of any and all applicants. It is not uncommon for men to overestimate their power of judging their fellow men. Every man wishes to see for himself the man whom he is to employ. He fancies that he will be able to discover in looks or demeanor, in speech or action or

dress, some sure indication of the candidate's ability, character and trustworthiness. And yet, scarcely a day passes that shrewd and experienced business men do not find themselves deceived in the people they employ. Every wise man knows that only long probation can test the value of the surface showing, and bring to light the real qualities and working powers of an applicant. And this probation the Civil Service rules provide for.

Carefully considered, these rules provide for all that personal inspection relies on, and far more systematically arranged and more thoroughly carried out. As already stated, first comes the preliminary inquiry as to the applicant's antecedents, made under oath, and supported by the written certificates of not less than three worthy men, who affirm on honor the length of time they have known the man, their belief in the truth of his statements and their own readiness to trust him. Would not the prudent official or business man make such enquiries? Then comes the examination into the intelligence and scholarship. This, too, the official and the business man would like to know, and this examination they make in some indirect way, but with far less thoroughness than the Civil Service rules accomplish it. If this examination of scholarship counts for little in determining the character of the man, still it counts for something, and at least gives assurance that he has learned to read, write and cypher, and that he can do these things much better than many others and passably well. But if the business man would not stop with this examination, neither does the Civil Service system. It provides for the personal inspection which is so much praised and counted on. Four names are sent to the appointing officer, and, if he has time and wishes it, he can summon the men and look them over, exercising his keenest judgment of character and of appearances. It is true he must take one of the four, but they are picked men to begin with, having been examined and certified in the most important particulars.

It is no slight confirmation of the value of the system that in most cases the first man of the four is taken without further inquiry, and experience proves this to be wise and safe. No really sagacious man puts such confidence in mere personal appearances, or in his power to interpret them, that he is willing to put his first impressions against all which careful inquiry and examination have revealed. In business affairs, he would say to an applicant thus thoroughly vouched for, "I will take you and try you;" and this

is precisely what the Civil Service system says, "Take the man and try him." It requires that the first appointment, in every case, shall be for the probationary period of six months, and makes it the duty, morever, of every officer, under whom the probationer serves, to keep watch, and to report in writing, upon the character and value of the service rendered, and also upon the character and qualifications of the man. Thus what the shrewd business man does for himself, or by his foreman or agent, without system, the Civil Service does regularly and systematically for the whole range of appointing officers.

The answer to the issue, examination versus no examination; or, rather, of careful, systematic examinations made by experts and put in writing, versus examinations made irregularly and hastily by the head of an office, or by some irresponsible political friend, is complete, and, to every fair-minded man, satisfactory. But the whole truth is not told without saying that commonly, under the old system, the sagacious personal inspection was rarely left free to do its best in selecting the best man. The pressure of partisans and friends forbade the appointing officer to select whom he pleased, and every such officer will say he has sometimes, if not always, been forced to appoint the poorer man, or lose friends and make enemies.

Boards of Examiners.

(3.) The next feature of the new system asking attention is that of the Boards of Examiners. These boards are required by the law to be selected from those already in the official service of the United States. This provision accomplishes two useful objects: (1.) Economy in expenditures; since these officers are already under pay by the Government, and no additional pay is at present provided for this work. (2.) It secures, as examiners, experienced, practical men, who are familiar with the wants of the service. Thus far, the examiners, selected with the hearty concurrence of the heads of departments and offices, are men of high rank and large experience in their respective offices,—chief clerks and chiefs of divisions, all of them men of known reputation for probity and good judgment. Every office was visited personally by some member of the commission, accompanied by some experienced official detailed from the departments at Washington, and the selections thus carefully made, secured, at the outset, the

confidence of the several communities in which the examiners reside, for the system they were to administer. The character and completeness of the work already done by them have proved the wisdom of selection. They constitute an intelligent and stanch body-guard of the new system, ready both to enforce and to defend it.

(4.) Only one other feature of the law can be noticed now, viz.: the limitation of its first application, and the provision for its extension. To give opportunity for the gradual introduction of the system, the act provided that at first it should apply only to the service in the departments in Washington, and to such post offices and custom districts as employed not less than fifty persons. These were found to include twenty-three post offices and eleven custom districts. The whole number of persons falling under the Civil Service Rules is not accurately determined, but it probably falls short of 15,000 out of the 110,000 persons said to be employed in the public service of the United States. This would leave 95,000 to be appointed under the old system, and keep alive and active the spoils system with all its pressure on the members of Congress and the appointing officers. This fact must be borne in mind in any judgment as to the apparent result of the system. It needs to be considered also that the civil list of the country includes over 48,000 postmasters, whom nobody at present proposes to bring under civil service rules, and to these must be added 25,000, or 30,000 laborers, and others, excepted from the examinations by the law or rules. If office-seekers still run the caucuses, and work at elections, and infest the capital of the nation, let it be remembered that it is not because the Civil Service law has failed of its end, but because that law is, for a time, restricted in its reach. The act lodges in the hands of the President the authority to extend the system to other offices with less than fifty employés, and from the heartiness with which President Arthur has acted in the inauguration of the system, we have a right to expect an order for its extension as soon as he deems it practicable. No one knows better than he how meagre and inadequate must be the results, and how uncertain the tenure, of the system while it remains restricted to so few offices, and while the old system is allowed to retain so large a part of the public service in its grasp. Grave questions, and not a few difficulties, will be met in extending the law to the smallest offices; but I can see no difficulty in

extending it at once to all post offices and customs districts having as many as twenty-five persons in the service.

Conclusions.

It is too soon to predict results, but it is not too soon to say that much that was promised by the Civil Service reformers is already beginning to appear in the offices where the system has been introduced. The pressure for place, and especially the pressure on political grounds, has nearly disappeared. Applicants have learned that they must submit to examination, and that when examined, it is merit and not politics that can give them favor. No question has been asked by the examiners, and it is believed none has been asked by the appointing officers, concerning the political opinions of the applicant. Men of both political parties have been appointed without question and without distinction. In one office, it is reported that the first two appointees were both of the opposition party. If the system shall accomplish this one result, to take the Civil Service out of politics, and politics out of the service, it will benefit both politics and the service, and thus free the republic from a serious and growing danger and shame.

But while we forbear to predict results, it must be evident that this Civil Service System has a higher and grander mission than the curing of a political disorder. Wide as may become the duties and destinies of the Government itself, so wide must extend the executive agencies by which that Government shall meet its responsibilities and accomplish its work. The Civil Service is to the administration working hands, watching eyes, listening ears, and carrying feet. It is through these 100,000 officials, clerks and employés, that it transports and distributes the mails, collects the revenues, watches the coast, manages the public domain, and does all the thousand things which a great Government must do for its people. Practical governing is administration, and administration is the work of the Civil Service. Whatever affects the integrity and efficiency of that service affects the administrative energy of the Government. The very power of the Government to carry on plans of public good depends upon the intelligence and efficiency of the persons whose services it must employ. Civil service reform, therefore, touches to the utmost limits, all that the Government may be called on to do.

Recent events have called up afresh the question of a postal

telegraph system under Government control. Years ago, wise men felt that the telegraph work belonged as properly to the Government as the postal work, and for the same reasons. The telegraph is but a branch of the postal work. But the fatal objection to the Government telegraph was the immense increase it implied of the Government patronage, the extension of the Civil Service, and, consequently, of the chances of political corruption. It now seems probable that the postal telegraph is to be added to the postal letter system, and it may be extended like the latter till its wires reach every village in the country; and if the new Civil Service system shall continue successful, this great addition to the work of the Government can be made safely, without harmful increase of patronage, and without disturbance to political life.

So, too, the gigantic growth of the railroad system with the overshadowing monopolies to which it has given birth; the stock gambling which feeds upon it, and the enormous private fortunes of railway kings, which make their possessors dangerous to the public good, if not to liberty itself, may, at no distant day, demand that the Government shall assume control, if not ownership of these great highways of the people's travel and traffic, and manage them for the public good. If the choice must be made between great corporations and monopolies ruled by money kings, craftier and meaner than feudal monarchs, on the one side, and Government railroads on the other; if the enormous stretch of this railroad system, and the economic laws which control such property, forbid that it shall remain subdivided as other property is, among hundreds of owners who give it their personal supervision; and if it is inevitable that it shall be grasped and controlled by a few, or, finally, by a single great corporation with its managers of more than regal power; or if, as the alternative of this, the people, through their Government, shall assume the management of property so vast and yet so indispensable, who will hesitate? The dreaded but undefined dangers of the centralization of power in the general government sink into insignificance before the dangers of some Jay Gould with the railroads of the country in his hands, holding the commerce of the continent in his power, with an army of men dependent on him for daily bread, and with money at command to carry the elections of great States, or to corrupt their legislatures and courts when elected. But if the Government shall ever be required to thus extend its functions and take charge

of these iron roads, what but the most rigid and non-partisan Civil Service could answer our needs and render safe this enormous increase of power?

Let us try to lift one other corner of the veil of coming time. In twenty-five years, at our current rate of increase, we shall have 100,000,000 of people. In less than twenty-five years we shall in all probability have exhausted our patrimony of public lands and sold the last acre. In that time the Government work will employ a quarter of a million of men, and the pressure for work and wages, for place and office will be quadrupled. No cheap farms will remain to entice the needy, and give cheap bread to the multitude. The struggle for existence will become intense here as it is already in Europe and Asia. Will not the political problem also increase in weight and complexity? The spoils system which is comparatively harmless among a small people and a sparse population, but grows in danger with growing numbers, how would it rage among a population of 100,000,000? The reform in the Civil Service which to-day seems so important, would then be vital to the success of the Government and the safety of liberty. The Executive of a 100,000,000 of people with a quarter of a million of officials put under his personal command by the spoils system would be as dangerous to liberty as were the Cæsars. A short quarter of a century and we shall be the foremost nation in numbers and power not only of modern Christendom but of all times. Who can tell what new strains will then come upon our free institutions, what new duties will devolve upon the Government, what new assaults will be made upon liberty? And what integrity, and intelligence will not then be needed in the great army on the Civil Service list, to guide through dangers, and save from utmost damage the free government, the political liberty and the personal freedom of our people?

I would be glad to give honor where honor is due, and especially to the men of this Association for the efforts made by them which have aided so largely to bring about this great reform. But it would take too much of the time which the Society would prefer to devote to its present work rather than to any eulogy on its past.

It would, however, be unjust not to recognize the influence of our honored Chief Magistrate, President Arthur, in giving the law this swift and sweeping success. The Constitution gives to the President the power of appointment, and no law of Congress can

abrogate or seriously abridge that authority. It is his to make such Civil Service rules as he deems wise, and to impose by them, upon himself and his subordinates in the executive service of the Government, such limitations to the exercise of this appointing power as he chooses. The first work of the Civil Service Commission under the law, was to aid the President, at his request, in the preparation of rules to be pro-promulgated by him. It will be easily seen from this, how largely, if not entirely, the success of the Civil Service law rested upon the favor of the President. The smallest unfriendliness on his part, or even indifference to its success, would have placed serious obstacles in its path, or would have allowed others to raise such obstacles to its progress. It is but simple justice to say, that from first to last, President Arthur has earnestly and efficiently helped the cause. The frank and forcible utterances in his messages in favor of the enactment of the law strengthened the cause of Civil Service reform both in Congress and throughout the country, and gave to the bill doubtless some votes which might otherwise have been against it. Once a law, he lent to it his hearty support, and the Commission has received from him nothing but friendly counsels and earnest encouragement. Not forgetting the noble work of this Society and of the Civil Service reformers, with the eloquent and earnest Curtis at their head, when the meed of praise shall be measured out for this great and beneficial revolution, the name of Chester A. Arthur will not stand lowest on the list of those who give it life and force.

[Since the Saratoga Meeting of 1883, the establishment of an improved Civil Service System under the United States Government, has made steady progress; the President, and most of the Cabinet officers, having publicly commended the operation of the new law, described by Dr. Gregory. In several instances, these members of the Cabinet had not favored the passage of the law, but have since become convinced of its efficacy and advantages, and now heartily recommend the maintenance and extension of the new system. This is a result which the American Social Science Association must view with peculiar satisfaction, since it was by this Association that the question was first publicly presented in the United States, and by our members that the agitation in its favor was for some years effectively maintained.

The State Governments have also taken steps in the same direction of Civil Service Reform, since the passage of the Act of Congress of which Dr. Gregory speaks; and the great State of New York now has a Civil Service law in practical operation; its provisions having been adopted to some extent in the City of New York, where the evils of the old order of things were specially noticed. In Massachusetts, where the civil service under the State government has been more permanent and better regulated than in some other States, a bill is under consideration by the Legislature to systematize and extend the existing practice, and to make a correct civil service system available in the city governments, where, of late years, there have been some complaints of political appointments and of misgovernment through the so-called "spoils system." Upon this subject, Governor Robinson, of Massachusetts, thus spoke in his Address to the Legislature, January 3, 1884:

"A statute that would secure and perpetuate all that our experience has demonstrated to be sound and successful policy, would be most wise. The national government stands committed to the destruction of the spoils system, and the State of New York has enacted a very comprehensive bill, intended to carry the reform into the departments of the government of the State and the large cities. So long as the present system in Massachusetts is adhered to, there is always the threatening liability, both in the State and the cities, that a change in party control will force a radical disorganization of the whole body of appointable officers, so far as they may be within reach, and most serious detriment occur to the public interests. The time has come when the patronage of the State

and the cities, and the expenditure of the public money, shall not be employed to accomplish or preserve party supremacy, and when fitness, not favor, shall determine appointment to, and continuance in, the service of the State and city. The question is well understood. Public sentiment is intelligent and pronounced. You have only to agree upon a practicable and efficient act to remedy these evils."

The Massachusetts Board of Health, Lunacy and Charity, with Ex-Governor TALBOT at its head, has made the following suggestions concerning the system of appointment in the charitable department, which no doubt apply in other States:

"The regulation of appointments and the tenure of office in the public service of the State and the municipalities is nowhere more useful than in the department of public charity. It is here that fitness and experience are most valuable, and the ill effects of political appointments are most hurtful. In the State service little harm has resulted as yet from partisan appointments, or the scramble for office that in some cities and States follows a change in political power; and the charitable department in Massachusetts has been exempt from such evils, and has established a tenure of office dependent mainly on 'good behavior, fidelity and fitness.' . . . . Within a few years we have seen the paid officers in some of our cities displaced to make room for political 'workers.' In regard to all charitable officers this is an evil; but when it affects those who have the immediate charge of the insane, the sick, and the helpless poor, it destroys the whole efficiency of the service. We, therefore, recommend that the legislature establish for the cities and towns, as well as for the State, a system which will make fitness alone the test of appointments, and will secure such a tenure of office that the best men and women will continue to serve the public in this department."]

II. PUBLIC LIBRARIES AND PUBLIC EDUCATION.

BY J. N. LARNED, OF THE YOUNG MEN'S LIBRARY, BUFFALO, N. Y.

We find it convenient to speak of "libraries" as though the term stood for some well-defined species of thing. But really there are not many words used in language with more sweeping collectiveness, with more unbounded generalization of meaning. A collection of books — any collection of books — a collection of any kind of books — is a library. And who can make a definition of a Book? Try the dictionaries and see in what a dust-heap of derivations and mechanic inventories the word is happed up! A Book,— a record of something spoken, thought, fancied, felt, suffered or done by somebody in some age of human history — what is there of things known or imagined among men that it may not represent? To speak in a large way of books is like speaking of stars and solar systems. There is no measure for the meaning we have.

I will ask you, then, to understand at the beginning that when I speak, as I have undertaken to do, of public libraries and their agency in public education, I do not mean to use the word in its indefinite sense. I do not mean, that is, to imply that all collections of books which may take the name of public libraries have one kindred or common agency in education. Perhaps I need not trouble myself to disclaim so unreasonable an inference; and yet there is mischief, I am sure, in the neglect of precautions against it. I find that the common effect on myself of much that is written upon the subject of books and libraries, and of their function, influence, value, as factors in life, is to make me forgetful of the enormous range and diversity of the influences which are really involved. I suspect that the same effect is produced upon many other persons in a greater degree, and that it is quite the habit among people to carry the unqualified generalization of the word "books" and the word "libraries" into their thought of books and libraries, and into the attitude and disposition of their minds toward them. It happens from this cause, I am afraid, that the question of the creation and maintenance of public libraries for public use, which has become in our time so important and great a question, has become also, too gross and uncritical an one. When a given community, or a given association of people, have

arrived at the intelligent conviction that it will be good for them and good for their children to gather a common collection of books for their common use, they are very often moved, I fear, by that undiscriminating notion of books which our comprehensive way of talking about them tends strongly to make habitual. It is their thought to have a *library*, and I doubt if the thought has more definition, in the minds of a majority, at least, than the word "library" can give it. What kind of a library it shall be — how much and what regions of the world of letters it shall embrace — with what aims of influence, to what ends of instruction, on what lines of intention it shall be constructed, are considered but carelessly, if considered at all. And yet there may easily be gotten together a collection of books that will not be good at all for people nor children, but much otherwise; and, still more easily, one in which the possible good is paralyzed by chaotic inorganism.

Do not think I am coming forward as the advocate of a narrow censorship, that would make selection rather than collection the law of the formation of public libraries in general. I am not so false to the instinct of my calling, which is miserly of all printed and written things. No instinct is truer than that — no parsimony more wise. For what smallest lettered scrap of the chronicles and confessions of humanity in its passing generations is not precious for hoarding, be it tell-tale of foolishness or wisdom, of meanness or nobility, of shame or fame? These poor paper vessels that float unwrecked down the slipping, shallow stream of the years can bring us little enough at best from the past,—will bear little enough on to the future. Scant commerce that it is which the living may hold with the dead by such frail carriers, shall we intercept them with prudish quarantines, to search for contraband frivolities and immoralities? No. The very smugglers and pirates, the punts and coracles of the fleet shall have harborage with us and refitting for their voyage, and we will convoy them on their way till our own years run shoal; for whatever their freight may be, it is *some* salvage from death — survival of something that is quick with the pulse and passion of ancestral life.

But that dutiful, indiscriminate piety toward books which I wish to vindicate by these figures, has its office quite distinct, as I conceive, from the collecting of books for common purposes of public education. It is an office which not many libraries in any country should be expected to undertake, and the nature of the under-

taking should distinguish them widely from the popular libraries which every city and town is calling into existence, to meet the literary wants of its people and as part of the apparatus of common education. They stand related to these latter as the mine does to the foundry and the smith's shop. They are stores of dross and treasure, mixed obstinately and confused beyond hope of separation by untrained workers in them. They are stores to which the people at large cannot go — ought not to go, to make the vain attempt at digging, sorting and refining for themselves. Their public utility must be realized, for the most part, by the intermediate labor of special students, antiquaries, historians, compilers, who make an avocation of the researches and the minuter scholarship which never can be incidentally pursued. And thus in their function they are necessarily placed at a certain remove from popular use, and no degree of popular education can bring them into an immediate standing among its agencies.

The ultimate aim of such libraries of collection, as I would call them, can rightly be nothing less than universality, either as extended to the wholeness of all attainable literature—which some few may dare contemplate—or as restricted to the wholeness of some definable field of collection. In either case, their comprehensive aim develops a structure, an organization, a system, a policy, which are in harmony with itself, but which are not fitted at all to the definite, particular objects of the library that is for the common, immediate use and education of the people. This fact seems to me to be somewhat disregarded, and I see a strong tendency among us toward the building up of our popular libraries upon the lines and in the forms and loosely toward the aims of those great book-collections which are properly made for the service of history and special scholarship. It is natural that these latter should exercise a kind of aristocratic influence upon our democratic intentions, and we need not feel surprised, perhaps, if we find that our popular libraries are projected too often upon a plan which is like a cross-section cut out of the library of the British Museum, representing one dimension complete and only shorn in the remaining two. But, to me, this appears to be a mistake of some seriousness and requiring to be considered. There are two or three consequences to be apprehended from it which I would specially note.

First, there is the danger that public libraries, which depend for

their maintenance upon the willing self-taxation of limited communities of people, will be developed into institutions of burdensome expensiveness, while, at the same time, their growth is so much in a direction above the heads of the people, out of the range of popular wants, that public interest in them will be weakened and the sense of their claim to public support will give way to fatal criticisms and discontents. A library which is to be a general collection of books on any comprehensive scale is a costly thing, and the costliness of it rises with its growth in a ratio that is almost geometric. It is not only the cost of books that increases, as the gleaning of old fields goes on, but elaborations of system in dealing with them—in disposing, marshalling, organizing them for their use—become increasingly necessary; more labor than is proportionate to the enlargement of the mass of books is involved, and the quality and expensiveness of the labor required is advancing continually in equal measure. In the ultimate stages of its growth, we cannot easily associate the idea of such a library with any less resources than those of a nation, or of a considerable state, or of the great corporations of learning which accumulate endowments for the purpose. It is possible that the spirit of a few wealthy cities may be cultivated so far as to sustain the undertaking perseveringly, and I am strong in the faith that Boston, for example, will never become willing to impair the magnificent proportions in which her great public library is being reared. But, speaking generally, I should say that the maintenance of a library which has no limit upon its aims as a collection of books must, sooner or later, arrive at a cost which civic treasuries and civic populations cannot be expected to bear. How far toward that point such libraries may be carried without overgrowing the interest and exhausting the liberality of the general public, it cannot be wise to ascertain very exactly by many experiments. The reaction sure to follow any wide-spread revolt of popular feeling against real or fancied extravagances in the public library policy, now so favored in many parts of this country and England, could not fail to be unfortunate. It may be foolish to anticipate such revolts; but I find it impossible, for my own part, not to distrust the large indefiniteness of the plan on which free popular libraries are being rather commonly projected and built up, and not to be apprehensive of the outcome from it.

Another result, in which the same fundamental error looks mis-

chievous to me, is the attitude of irresponsibility in public libraries which it tends to produce. Irresponsibility, I mean, as regards the nature, use, and influence of the literature brought together in them. Some feeling of irresponsibility in that respect follows naturally, almost necessarily, from the view of these libraries which I am making bold to criticise. A library that *is* to be what I have called a library of collection—a store, a repository, a safe treasury of books, for any use and all the uses to which books, as the records, confessions, and exhibitions of humanity, may be put —has no responsibility for its contents; and when from such libraries, which are the elder and traditional type, we carry over to the popular libraries of the present day the ideas of function and structure that we incline to carry, there is sure to be imported more or less of confused notions on this subject of responsibility. Therein lies, I suspect, the most important of all reasons for fixing a radical and definite distinction between libraries of these two classes. The single simple function of the one class is *collection and preservation*, which is a function purely passive. But the very different function of the other class of libraries is *diffusion*, which is a function of activity and responsibility. The prime purpose of their institution is to bring to bear upon the greatest possible number of people the profitable influences that are found in books. They are restricted by that object to no narrow range of literature. It takes in all that can be tributary to all that is excellent in faculty and character. It embraces the wholesome literature of imagination and emotion, no less than the literature of knowledge and of thought. The graces and harmonies of education, and the sweetenings and colorings of life, are comprehended equally with the ethics and the practical powers. There is no narrowness in the range, as I have said; but it has a well-marked bound. It is bounded by all the lines in literature which separate purity from grossness, art from rubbish, good from bad. It is so bounded by its purpose, which I think I have stated with precision when I say that the sole reason for the existence of a popular library is in the endeavor made through it to bring to bear upon the greatest possible number of people the profitable influences that are in books. It has no excuse for being except that; and it had no excuse for being if it cannot discriminate with some success between the profitable and the unprofitable quality of books, and between their historical and their educational worth.

Of course this involves a selective criticism, or a censorship of books, if one chooses to call it so, in the government of popular libraries; but what then? Is not the same kind of selective criticism — the same kind of discriminative judgment — the same censorial assumption—involved in all public services, from legislation down? To what public institution will it be denied? If a gallery of art is founded, for the finer teaching of the eyes of the people, and for kindling the light of the love of beauty in their souls, does any one claim place in it for the pictorial advertisements of the circus, or for the cuts of the *Police Gazette*, or for the popular sculpture of the cemeteries, on the ground that there is a public which finds pleasure in them? Yet something comparable with that demand is found in the quite common expectation that public libraries shall descend to certain levels of popular taste in literature which all cultivated taste condemns. It is naturally enough assumed that somewhere in the control of a public art-collection there shall be an instructed criticism at work, to distinguish, with what care and capability it can, the true productions of art from its vulgar counterfeits, and to set up certain standards of taste, which it is desirable to have urged upon the public for common recognition. It is only on that assumption that the usefulness of a South Kensington Museum, for example, is conceivable. Now, wherein are the considerations which bear upon the popularizing of literature and the teaching of books, by means of public libraries, different from those which bear upon the popularizing of art by public museums of painting, sculpture, or design? If they differ at all, it is by reason of the greater power and greater importance of the educating influence that is in books.

I am not thinking altogether of the question of fiction in public libraries, which has been so much discussed of late, though that, of course, takes the foremost place in every view of this subject. It is a question much discussed; but I should like to see the discussion carried to broader grounds than have generally been taken for it. Here is a form of literature that we have seen, almost in our generation, rise from a modest rank in the realm of letters to undisputed ascendancy. It has introduced a new Muse to our Olympus, and has throned her royally in the highest seat, where the crown and the sceptre, the honors and the powers of the pen, are alike given up to her. For my part, I am submissive to the revolution that has brought us under this new reign in literature;

I have no discontent with it. I recognize the modern Romance, or Novel, as the true heir and natural successor of the Epic and the Drama, which held anciently, in their turn, the regal place in literature. I look upon it as representing no mere literary fashion of the day, but distinctly a development in literary art, — the plastic shaping by organic growth, of a new, perfected form of epic and dramatic expression moulded in one; fitting itself to new conditions of general culture, with more versatile capabilities and powers. It is not alone approved by the suffrages of the multitude, it is preferred by the bards and "makers" themselves. More and more we can see that the dramatic genius of the age turns lovingly to this new form of art and expends itself upon it. If Shakespeare were living in these days, I doubt not, we should have more novels from his pen than plays.

At all events the chief power in literature for our generation belongs to the novel, and if we will broadly-recognize and deal with it in that view, there is nothing lamentable in the fact. Let us freely concede to it the great domain it has won for itself on the art-side of literature, and pay to it the respect we give to all art — no less, no more. We can hardly claim to have done that yet. There is something half disdainful, half shamed and apologetic, in the very homage conceded to this new-comer among the muses. Her devotees do not seem to be quite assured of her Olympian reputability, and find, perhaps, a little pleasure in the suspicion that she and Folly are near kin. So we all continue to speak of the realm of "light literature" — as though the literature that is weighted with the fruits of the genius of George Eliot, Thackeray, Hawthorne, Scott, De Foe, can justly be called "light." The *lightness* which it has is the lightness of the spirit of art — the lightness which art takes from the up-bearing wings on which it is exalted, and whereby it has the power to transport us high and far and make us travellers beyond the swimming of ships or the rolling of wheels.

Whatever it may be that acts on men with that kind of power, is a factor in education as important as science or history. It is like the wine and sweetness of the fruits which are the wholesome peptic trifles of our bodily food, and it contributes quite as much as the strong meats of learning to a vigorous and symmetrical growth of human character. In the novel, these potencies of art are universalized more than in any preceding form; it brings a

larger mass of mankind within their range, to be quickened in spirit by them, and to be wrought upon by an inward leaven which human beings are sodden without. As a true product of art in literature, the novel seems to me to be a great instrument of education, in the large sense of the word — not for all men and women, perhaps, but for most, and especially for those whose lives are narrow and constrained. There are not many of us who do not owe to it some reaches and happy vistas of the intellectual landscape in which we live, and the compass of our thoughts, feelings, sympathies, tolerances, would shrink sadly if they were taken away. It is only a little region of actual things that we can include in our personal horizons — a few individual people, a few communities, a few groups and growths of society, a few places, a few situations and arrangements of circumstance, a few movements of events, that we can know and be familiar with by any intimacy and experience of our own. But how easily our neighborhoods and acquaintances are multiplied for us by the hospitable genius of the novelist! To be put in companionship with Caleb Garth and Adam Bede, with Col. Newcombe and Henry Esmond; to meet Mrs. Poyser and Mr. Weller; to visit in Barsetshire with Mr. Trollope, and loiter through Alsace with the Messrs. Erckmann and Chatrian; to look on Saxon England with the imagination of Kingsley, on Eighteenth-Century England with the sympathetic understanding of Thackeray, on Puritan Massachusetts with the clairvoyance of Hawthorne — how large and many-sided a life must be to embrace in its actualities so much of a ripening education as this!

But, if there is no other form in which the broadening influences of art can be exercised more powerfully than in the novel, there is no other form that lends itself to base counterfeiting so easily. And the vulgar product is vulgar beyond comparison with any other. More than vulgar; for the travesty of life which these romances of book-smithing exhibit, is mischievous in its whole effect. Every feeling that they act upon, every sentiment that they stimulate, every idea that they produce, is infected with the falsity that is in them. Neither virtue nor piety in the intention with which they are composed can better very much the evil influence they exert; for, though they may be clean of all other vice, there is licentiousness in their misrepresentations and depravity in their untruth. I see nothing, for my own part, but malarial un-

wholesomeness, breeding moral distempers and intellectual debility, in the trash of fiction with which the world is being flooded, whether it emanates from the "Satanic" or the Sunday-school press. I know of nothing among the mischiefs of the day that calls for more resistance, and I can discover no agency to be employed in resisting it more effectively or more responsibly than the public library.

But, practically, the libraries are making that resistance very slightly. I do not know that their right to exercise upon literature the criticism which discriminates art from rubbish is formally disclaimed or formally denied; but it seems to stand in doubt and to be exercised with hesitation, if at all. Perhaps the criticism demanded in this case is not clearly distinguished from the presuming and very different censorship that would inspect opinions and undertake to judge for the public between true and false teaching in religion, or politics, or social economy. But the two have no principle in common. They differ precisely as the insolence of sumptuary laws differs from the sound reasonableness of laws for the suppression of counterfeits and the preventing of adulterations. If there could be an institution for the purveying of food, or drugs, or any kind of material provision, which should stand in the same relation to the public that the public library sustains in the purveyance of literature, we would certainly deny its right to a jurisdiction over the demands of the people as regards the kinds and varieties of commodities to be supplied; but, just as certainly, we should hold it responsible for the *quality* of the things which it had been instituted to provide. We should reasonably require the institution to be so organized as to embrace within its management the capability to distinguish competent from incompetent work, and imitations from genuine products. That is precisely the kind of discrimination which I think should be exercised in public libraries with respect to this romance literature, which is worth so much as a product of literary art, and is so worthless if the touches of art are wanting in it. The question concerning it is almost purely a question of quality. Where a subtler question arises — a debatable question of taste, within the range of uncertain canons in which questions of taste are open — I would not ask to have it arbitrated in a public library. But the great mass of the trash of fiction is not touched by such questions. The discernment of its worthlessness depends on nothing but some

little familiar acquaintance with good literature, and on the sense of quality which that acquaintance will develop. There is a consensus of judgment against it among all men and women who possess enough experience of literature to qualify them for any criticism. If public libraries should do no more than administer those common verdicts of the literary world which are of indisputable authority and weight, they would sweep a mountain of rubbish from their shelves; they would command from the public at large a hearing for criticism which never can be otherwise secured, and they would be exercising in a most important particular the responsibility which belongs to them as educational institutions.

I am not saying that our public libraries do nothing in this direction, for I know that some are moving in the way proposed; but there seems to be much hesitancy in the movement and a want of positive principles to govern it. The safe rule under which I should like to see them placed, in the matter of their dealing with the flood of romance literature, is the rule of conservatism — of slowness — of waiting for the judgments and verdicts by which literary work is proved. They are not speculators in the book market; their interest in literature is not a commercial one, like Mudie's; they are instituted for a missionary purpose, and their business, as I have said, is to bring to bear upon the greatest number of people the profitable influences that are in books. Why should they be in haste to catch up the novelties of the romance press, like merchants eager for custom? Why should they not keep all this doubtful literature waiting at their doors until it has been weighed and pronounced upon, not by the public opinion of Tom, Dick, and Harry, and the school-girls, and the idle and the raw-minded mobs of readers, but by the instructed public opinion which is the court of last resort for all books, and which determines the ultimate fate of all.

I have not touched the question of morals as affecting this literature, because that is substantially included in the question of literary *quality*. In America and England (I say nothing of other countries) the literary taste which prevails and has authority is moral enough, because healthy enough, to be fairly trusted with the whole adjudication. I know of no vicious or unwholesome novel, poem, play, or other imaginative work belonging to contemporary literature, that has gained a literary standing in the

English-speaking world sufficient to commend it to a public library, if nothing but the view taken of it from literary stand-points is considered. Generally, I think, among the Teutonic races, the conception of art is essentially a moral conception — the conception of a fundamental purity — and the more highly the art-sense of these people is cultivated, the more clear-sighted it becomes as to the falsity in art of all moral falsity. And so I should feel safe in making it the rule for public libraries of the popular class, in their dealing with all contemporary books which belong to the art-side of literature, that they should freely admit whatever wins a good standing in the literary public opinion of the time, and that they should admit nothing until that standing is assured to it.

There is a large body of older literature which requires some different rule. It comes to us from coarse or corrupted periods of the past, when the ethics of literary art were slightly perceived, little felt. In some of it there are all the admirable qualities that imaginative literature, produced without moral sensitiveness, can have. It is vigorous, brilliant, graceful. It gained in its own day a literary standing which it could not win in ours; but we are disposed, and perhaps rightly enough, to let it stand at the original rating. Historically, as representative literature, it has great importance and interest to those who will use it in that character, as students of literature and history in the thorough-going sense. But I see no good purpose that it can serve in popular libraries and no reason for its having place in them. The drama of the Restoration, a great part of the more famous novels of the eighteenth century, with much of the older romance, are examples of what I mean. How many of our larger popular libraries are without these, and on what reasonable ground is acquaintance with them popularized at the present day?

Of the kindred literature from other languages that has been imported into the English by translation, I can only ask the same question with more emphasis.

I am already at the end of the time which my paper should fill in the discussions of this meeting, and what ranges of literature are left, in which nothing I have said will offer a hint of the bounds that I am asking to have set for our popular libraries! But I will not excuse myself dishonestly with the plea that time fails me for working the problem out. Rather let me confess with frankness that I do not know where to set the bounds, nor how. Perhaps it

is not a practicable thing to do. And yet I am sure the attempt should be made to mark out, in general literature, with some rough consistency, the provinces of the popular library, as distinguished from the library of research and history, or the museum of books. Not, I say again, to set narrow or parsimonious limitations upon them. It is no petty conception of the popular library that I have formed. For popular uses I want it as great as it can be made. Not for uses of common reading only, but for all uses. I should have looked but a little way into the influence of these libraries if I took account only of the set "reading" which they encourage and supply. They have a greater office than that. It is to induce among people the habit of following up the chance topics and questions in which their interest happens from time to time to be stirred by casual hints and circumstances. A school exercise, a newspaper paragraph, an allusion from the pulpit, a picture, a quotation, a play, will often supply an impulse that carries itself long and far into the intellectual life and growth of our library students, but which, without the existence of the public library, would come to nothing. By making it common and habitual, in some wide circle of people, to say on such occasions, "I will go to the library and pursue this matter," or "put this statement to the proof," or "learn more of these writings" or "of this man" — by making that habitual and common, I say, the public library brings into action more potent energies of education than can be organized in any college or school. And so, for its greatest efficiency, it needs to be largely, liberally equipped with resources for every kind of common investigation — for every kind of investigation, I mean, that is not elaborated in professional study, or special scientific research, or minute erudition. For all such special quests and profounder pursuits of learning I do not think that the popular library should undertake the providing of books, unless in circumstances that are exceptional. Because all the resources that it can command will seldom be too great for employment in its own great office, which is to *popularize* the profitable influence of books. Before everything else, it should have these two aims: First, to be abounding in its supply of good literature within the range of popular use. Second, to be perfect in arrangements for the exhibiting of its stores and making them accessible, and to be fertile and persistent in devices for winning students and for helping them with all encouraging aids. If the library is stinted anywhere, let

it not be in the better books for which there is most of a popular call. By all means, let the public call for what is good be met, freely, fully, abounding ly, as I have said, whatever else may suffer neglect. Better fifty copies of one book that will get so many readers, than fifty copies of various books which few will use. Nothing discourages the resort to public libraries so much as the experience of difficulty in obtaining the commoner books that are most in demand, and, liberal as many libraries are in multiplying their purchases of such books, I doubt if any among them are as liberal in that direction as they might wisely be. I am disposed to believe that a popular library should expend its means very grudgingly upon any wider acquisitions until it has so multiplied upon its shelves the few best books which are most in favor with general readers that it will seldom disappoint a call for one of them. I put that forward as the first claim upon its funds; and next to that I put the employment of adequate methods for exhibiting and advertising its books and their contents and character to the public. Classification, annotation, analysis, in catalogues and bulletins, with indexes, reference lists, helpful hand-books and bibliographical guides — these are objects of expenditure more important than the gathering of numerous books. A small, well-chosen library, in systematic order, opening every avenue to its contents that can be cleared and lighted up by judicious labor, inspiring, leading, and helping its studious readers by all the methods which the earnest library workers of this country are learning to employ, is a vastly more powerful agent of education than the greatest collection can be if the ambition to *have* books outruns in it the ambition to spread the influence of its books.

It is generally the fact, I believe, that both these ambitions are working together in the popular libraries of this country, and that they are more in conflict than it is well they should be. But the spirit of the time and the race is on the side of the wiser purpose, and it is wonderful to see with what contagion of zeal the diffusive work of our public libraries has been animated of late years. Great missionaries have arisen among us in the library calling, who have discovered the measureless capabilities of the field in which they labor, and who are leading and inspiring us all. It is because I honor so much the conscience that has been awakened in the work of our public libraries, and the power they are acquiring among the institutions of democracy, that I wish to see no waste in their energies.

III. THE RELIGION OF INDIA. THE BRAHMO SOMAJ.

On Wednesday afternoon, September 5, a special session was held to hear an address from Mr. Mozoomdar, of Calcutta, on these subjects. As reported, he spoke as follows:

LADIES AND GENTLEMEN: I have been asked to speak to you on "Religion in India." It is a large subject, and I cannot hope to do justice to it in the time at my disposal. When you think of Religion in India, you have to think of a great immeasurable historic past. A reform in religion must be constructed out of the elements contributed from many sources. We have, first, Hindu society, Hindu faith, Hindu philosophy. Then we have the monotheism of the Mohammedan. Again, we have the system preached by the unexampled man, Buddha. Then we have the great fact of Christianity around us. All these religions form a great square of influences through which Hinduism has to pass.

What is Hinduism? It is a deep appreciation and insight into nature. You have heard of the natural scenery of India, the mountains, the rivers, the great forests, in the midst of which the hermits and sages lived. Amid this scenery, the Hindu gained an insight into natural forces. He penetrated into the life and soul of the universe. When he awoke in the mysterious dawn, he saw in the twilight the form of a mysterious person, and he called that person God. When the luminary of the day arose, the sun conveyed to him strange suggestions of another power, an eternal effulgence, which he called God. When he looked on the blue skies, he invested them with divinity; and thus, living in nature, the Hindu lives in God. Superficial observers have accused our fathers of nature-worship, of idolatry. When the sun was addressed as Thou, there was a sun within the sun that was addressed. When the heaven was addressed, the prophet spoke to the Lord of the heavens. They did not worship the forces as such; but as representations of an invisible reality. Lights and shades and dawns and births and deaths, all presented to them a great fact behind, a soul behind all souls, Brama himself.

But Hinduism did not always mean an apostrophe to the forces of nature. The Vedas formed the first section of Hinduism; there is another sphere. In this a deep appeal is made to the inward

esoteric force. The greatest Oriental scholars have taken more interest in the second department of Vedic religion than in the first. Here you find profound utterances on the relation of the soul to God. In India, when they contemplated the forces of Nature, they learned to forget all they saw and heard, and in Nature they beheld a Mind. It was a great unseen power speaking to the power within. They came to hold that all the universe was a delusion, "a tale that is told;" but that, in this delusive dreamland of the universe, the great truth was the *Soul*, the unseen transcendental Soul that presides over all. They left off the process of outward speaking; and mind spoke to soul, in the sacred books. You have here no materialism, but a transcendental insight in which the relation of God to man was both felt and described. The motto of the sacred books was, "One without a second."

Latterly, schools of philosophy sprang from this line of speculation, culminating in the "yoga" form. "Yoga" means *becoming one*. The "yoga" philosophy means that, while man was separate from God, he was in misery, sin, and death; but when by discipline, the soul of man became united with God, that was "yoga," that was the "*atonement*" of the Hindu religion. This was ancient Hindu philosophy. But is it possible that the great nation of Hindus, 255,000,000 in number, could grasp such a philosophy? No; and that is not the only form of Hinduism. This unity was found too abstruse. The herds of mankind could not climb up to its heights. A popular religion was needed. This was secured through emotion, through sympathy, through fancy. All these were employed to paint another picture for the religion of the poor.

In another sacred book, Krishna instructs a disciple in the rational religion. This form of Hinduism includes the great doctrine of Incarnation, and the performance of acts which draw the imagination and affection of man. The devotees of this form of religion are very tender-hearted, they often burst into tears. No religion can hope to make any headway among the Hindus, which does not appeal to the tenderness in their hearts.

Here you have then, God in Nature, God in human mind, God in Incarnation.

The Brahmins thought more of the ceremonies than of the souls of the people. Sakya-mooni (or Buddh) meditated on this condition of things. He preached purity and humanity; he gained disciples; he threatened destruction to Brahminism; but in time

Brahminism asserted itself, and Buddhism was excluded from the land. Then came Mohammedanism with the Semitic idea of the one God. But the Semitic idea of God is unlike the Aryan conception, in essence and attributes. The Mohammedan conceived of God, as a vast, mighty *man*, with fidelity, truth, mercy, all that goes to make up a man. The Aryan thought of God as a formless life, an all-pervading presence, as the eternal, all-kindling consciousness,—all force, all life, all phenomena merged in an incomprehensible Being, neither aught nor naught, neither in space nor beyond space. The Mohammedan said: "This is no God; this is Pantheism," and this foolish talk of Pantheism has been repeated down to this time. When a man worships the world as God, when he thinks himself God, he commits a sin and a folly. But when a man thinks God to be like man, attributing to God all of man's weaknesses, he also commits a fatal blunder.

All these beliefs come together on Indian soil; and now Christianity comes from the West, and re-appears in the land of the rising sun, bringing with it God, and the Son of God, — God and humanity. Mellowed by the sunlight of many years, Christianity comes to us and sets before us new ideals.

Such are the resources out of which religious reformation has to be constructed in India. And we, degenerate men, find ourselves charged with the work of effecting a reconstruction. But there is a presiding Being that from small beginnings can bring great things to pass. In the Brahmo Somaj, we have felt for sixty-five years the hand of this superintending Providence. We feel that ideals come crowding from the East and from the West. Prophets and torch-bearers invite us toward the central light. We feel that all these resources need to be reconstructed. In 1825, Ram Mohun Roy translated the precepts of Jesus; he associated with Christians and with missionaries. One-half of his nature was Christian and one-half Hindoo. In the worship which he conducted, when the sacred precepts were read, the common people were requested to retire. Ram Mohun Roy has been claimed by the Brahmins, by the Mohammedans and by the Unitarian Christians. Such was the breadth of his sympathy.

We hear the great prophets and the great singers as they speak to us. We never held that Mohammed was an impostor. We do not sift the claims of men of genius; we welcome all alike. How then do we think of Christ? Is he only one among many

prophets and saints? No; Christ stands unique, unexampled, unapproached, unapproachable. We never believed that He was the Almighty God; that, we believe, is superstition; we believe that he brought divinity down to the earth.

We mean to combine all of these lights, to bring all unto a glorious synthesis. Your scholars study comparative religion, and find in every religion something worthy of admiration. And what you do, we do also, in our own manner.

If mankind is to be united once more, if the kingdom of God is to come, the fragments of truth must be gathered from all nations and religions, and when each prophet shall have his due, some hope there is for the great brotherhood in which all shall be united, and God shall be our Father. In former times, the names of the prophets have been battle-cries. If men were to have their way, should we not see men once more killing each other in the name of the merciful Father?

The great object of the Brahmo Somaj is by prayer and holiness to add truth to truth. As many oceans flow into one, and as many atmospheres mingle in the pure heaven, — as the sun goes from the East to the West and returns from the West to the East,— thus shall glory be unto God, good-will to men and peace upon earth. Such is the hope of the Brahmo Somaj of India.

IV. NEW METHODS OF STUDY IN HISTORY.

BY HERBERT B. ADAMS, PH. D.

(Read September 4, 1883.)

The methods of historical study which are to be described in this paper may be specified as the Topical method, the Comparative method, the Coöperative method, and the Seminary or Laboratory method.

1. The Topical Method.

A story is told of the introduction of biology to a class in an American college by a young professor, who, when asked by the college president if he did not intend to begin his class-work with a study of great principles, replied "No, we shall begin with a bushel of clams." If there is any guiding principle in the study of historical as well as of natural science, it is "The way to that which is general is through that which is special." For beginners in history concrete facts are quite as essential as clams or earthworms for beginners in biology. It makes little difference with what class of facts the student begins, provided they are not too complex for easy apprehension. A child may find historical culture in Bible stories, in Aryan mythology, in the Arabian Nights, in the legends of the middle ages, in the Boy's Froissart, or in the travels and adventures of Captain John Smith. Children of a larger growth may find as much profit in studying incidents of ancient as incidents of modern history. As far as mere culture is concerned, old Rome may be as suggestive as modern England. Ancient Egypt has its parallel in modern China. Democracy in Europe is fully as interesting as democracy in America. The point is that universal history may be approached in a great variety of special ways, any one of which may be as good as another. They are like the Brahminical philosopher's idea of different religious revelations, — gates leading into the same city. All roads lead to Rome, and all roads lead to history.

But while this general truth remains, that a student may approach history from any standpoint he may choose to take, whether in the ancient or in the modern world, at the beginning or at the end of historic time, it also remains true that there is a certain practical advantage in beginning historical study with that which is nearest and most familiar. A man's own family, com-

munity, country, and race are the most natural objects of historical interest, because man is born into such associations and because an historical knowledge of them will always be the most valuable form of historical culture, for these subjects most concern our own life, our past, present, and future. In history, as in biology, live specimens are usually better than dead ones. As a live dog is better than a dead lion, so historical subjects which possess vitality or continuity of interest from age to age, are the fittest for historical study. Some characters and scenes of history are of fresh and perennial interest although belonging to ages now remote. Other topics seem to have no enduring life, and, like dead specimens of zoölogy, are relegated to antiquarian museums. *Life* is of supreme interest to history, as it is to biology; hence those nations and men that have made the present what it is will always be the best topics for historical study.

The field of history is so vast, it is cumbered with so many ruins and dead men's bones, that it is almost impossible to range over the whole tract, and to identify all the past. There are some things which interest us and some which do not. It is better to rescue a few topics of living interest than to waste time and strength upon a dead past which buries itself. Accordingly, in teaching or studying any given section of history, whether ancient or modern, American or Assyrian, English or Egyptian, German or Greek, Russian or Roman, it would be well for the teacher or student to hold to living issues, to topics of surviving or of lasting interest. It is not worth while, for example, for most students to learn all the names of Assyrian and Egyptian kings, and how long each dynasty reigned. On the other hand, enduring geographical facts which have supported kingdoms in Mesopotamia and in the Nile valley during all ages of the world, are of lasting significance. The agriculture, industries, art, science, literature, religion and social culture of these countries will always be of interest to most minds, for these things have entered into the life of the race. The ways and means by which modern science began to find out these early civilizations is almost as interesting as the facts that were discovered. A knowledge of the modern literature concerning ancient Egypt or Assyria is perhaps of even more value to students than a general knowledge of Egyptian chronology.

I should be inclined to recommend, in beginning the study of history by any special method of approach, like the history of

America or the history of Egypt, that teacher and class begin work upon the geography of the United States or of the Nile valley. The pupil should be referred to his atlas, and the teacher should show his pupil how to draw an outline map of the country under consideration, how to lecture in an off-hand way, upon the coast-line, mountain-ranges, river-valleys, climate, and other physical characteristics of the land; in short, the enduring natural influences which would affect the people inhabiting this chosen land. Show him where they would settle if they followed the guidance of geography and climate. Such a topic as physical geography, thus viewed in its specific application to a given country, might profitably occupy several class exercises. Then, after a thorough consideration of the lay of the land, comes naturally the topic of the people, the first inhabitants. Were they aborigines, if not, where did they come from as colonists? This question of the origin and connection of races, even if cursorily treated, introduces a class at once to one of the greatest topics in universal history, namely, ethnology. Whether viewed in ancient or modern ways, the subject of the origin and dispersion of races must always remain one of the most fruitful and instructive themes.

After the topics of a chosen land and of a chosen people, should come the subject of the sources of that people's history. What memorials of themselves have the primitive inhabitants of America or of Egypt left behind them? Here is an opportunity, whether in the case of ancient America or of ancient Egypt,* for considering the subject of the Stone Age, the first relics of human industry and of the oldest monuments of our race. Whether the illustration be Indian arrow heads or sharp Ethiopian stones, the mounds of the Great West or the pyramids of Egypt, a class of bright students will easily become interested, if not enthusiastic, provided the slightest care is taken to present them with illustrative material in the shape of Stone Age relics, real or pictorial. Egyptian hieroglyphics and Indian picture writing would serve the same great purpose of explaining the origin of alphabets and literatures. The special and the concrete are thus transformed into the universal and the philosophic, and that too in the mind of a child. *Univer-*

* The idea of Brugsch that "Egypt throws scorn upon the assumed periods of the three ages of stone, of bronze, and of iron," finds striking refutation in Prof. Henry W. Hayne's "Discovery of Palaeolithic Implements in Upper Egypt." Memoirs of the American Academy of Science, vol. x.

salia in rebus. A picture of the Rosetta Stone or a story of Indian myths brings different languages and religions into some kind of coördination, and even in the study of a single people the history of the world begins to be the history of our common humanity. The religious ideas, the manners and customs of both Indians and Egyptians are among the very best sources of universal history, and no teacher or student can afford to neglect such topics. Under the head of the sources of American or of Egyptian history a great variety of special topics will suggest themselves as class-work advances, and as individual interest kindles for concrete realities.

So varied and so deep becomes the interest in topical history that no manual or mere sketch is sufficient to satisfy the demands of a quick and eager class. Original sources and standard authorities are seen to be fresher, purer, and stronger than the tiny rill of school-book literature which rarely flows from the real fountain-head, but from standing reservoirs of derived knowledge. It is of great importance in the pedagogical process of teaching history, that the student should learn the origin of written history, how manuals and standard histories are constructed; otherwise, the student will look upon the book or manual as a final authority. He should, on the contrary, look at all written history as simply a current, more or less colored by human prejudice, a current which has come down, like the Nile or the Mississippi, from some higher and more original source than the passing stream. Such a consciousness leads the student to further inquiry, to a habit of mind like that of explorers who sought the sources of the Nile or of the Congo. To develop this enquiring habit in pupils is an easy matter, but it is not always so easy to gratify awakened curiosity. Pupils should, however, be taught to find out things for themselves and not to despise the teacher or an author, if he does not profess to know everything that can be discovered. The sooner pupils and teacher consent to work together, the better it will be for both.

American teachers are beginning to introduce their pupils to American history in special ways. In Boston, during the summer vacation of 1883, a course of lectures for young people was given in the Old South Church by a number of specialists, encouraged by Mrs. Augustus Hemenway, upon such common-place topics as History in the Boston Streets, Franklin the Boston Boy, Samuel Adams the Man of the Town Meeting, Concord, Plymouth, and Governor Bradford. In connection with each lecture was pub-

lished a miniature historical journal called "Old South Leaflets," containing short extracts from original sources of New England History; for example, an extract from Bradford's History of Plymouth Plantation, describing the preliminary arrival of the Pilgrim Fathers in Cape Cod Harbor, before their landing upon Plymouth Rock. In connection with the lecture on Concord, given by Mr. F. B. Sanborn, was printed an extract from Ralph Waldo Emerson's Discourse on the Second Centennial Anniversary of the Incorporation of the Town, together with that famous Concord hymn written by the poet-sage, where

> "once the embattled farmers stood,
> And fired the shot heard round the world."

To accompany the lecture on Town Meeting, by Professor James K. Hosmer, extracts were printed from Jefferson and De Tocqueville, and from the revolutionary correspondence of the famous committees of safety which evolved from those popular assemblies under the guidance of men like Samuel Adams, the Man of the Town Meeting. Such topical lectures explain how the American Revolution was kindled. These are good illustrations of the topical method of introducing pupils not only to New England history, but to the history of our common country. One cannot help believing that the Old South Church * proved a better school-house and a more suggestive school-book during a summer vacation than many which bear the name, year in and year out.

It is undoubtedly the most profitable course for American Common Schools and High Schools to approach the study of history, as they usually do, from an American standpoint, from which the field of vision widens gradually over English and French history. But it is possible, in many instances, to make American history more interesting and more suggestive by improving the local environment, by opening fresh vistas with widening outlook from the local vantage ground of State, County, Town, and Village. The American standpoint will afford broader views and more local coloring by special methods of observation.

One of the best illustrations of the topical method as applied to the study of American history is the class-work of Professor Moses

*A further development of the lecture system in the Old South Church was a course of twelve special lectures by Mr. John Fiske, upon the American Revolution, from "The First Misunderstanding," 1761–'67—until constitutional order evolved out of chaos, 1787–'89.

Coit Tyler, at Cornell University, and of Dr. Albert B. Hart, at Harvard University. Cornell is the first American institution which has made American history a distinct specialty, by the establishment of a full professorship, devoted entirely to this department. President White, in his recent report (1883), says: "In no part of the world today is there so complete a course in American history, either in extent or equipment,† as can be found here."

2.—The Comparative Method.

A great impulse was given to the historical sciences by the introduction of the comparative method into the study of philology, mythology, religion, law, and institutions. It seemed as though the horizon of all these fields suddenly widened, and as if the world of human thought and research were expanding into new realms. Through comparative philology the kinship of the Indo-European family of nations was made known to History, and upon the basis of this one great fact, comparative mythology, comparative religion, comparative jurisprudence and comparative politics have been raised into independent sciences. Perhaps the grandest result of the comparative method, while broadening the areas of human knowledge was the breaking down of that middle wall of partition between nations once thought to be widely different in language, religion, law and government. The ancient and the modern world were brought together. It was seen that Medes and Persians, Greeks and Romans, Kelts, Teutons, and Slaves are all of one common Aryan stock. "Before the great discoveries of modern science," says Freeman, "before that greatest of all its discoveries which has revealed to us the unity of Aryan speech, of Aryan religion, and Aryan political life, the worn out superstitions about 'ancient' and 'modern' ought to pass by like the spectres

† The equipment of Cornell University for the study of American history is illustrated by the Sparks and May Collections, and by an appropriation from the Trustees, of "over $5,000 during the past year [1883] to special purchases of books in the department of American history." One of the Faculty "has deposited for the use of the students, a large collection of works relating to the most recent period in our history, especially the time of the Civil War. The Executive Committee have also fitted up a commodious lecture-room and a special library for the use of students in this department, and have added to its other equipment a very complete collection of maps." [Extracts from President White's Annual Report, 1883.

of darkness. . . . The range of our political vision becomes wider when the application of the comparative method sets before us the *ekklesia* of Athens, the *comitia* of Rome, as institutions, not merely analogous, but absolutely the same thing, parts of the same common Aryan heritage, as the ancient assemblies of our own land. We carry on the tale as we see that it is out of those assemblies that our modern parliaments, our modern courts of justice, our modern public gatherings of every kind, have grown." (On the Study of History, Fortnightly Review, March 1, 1881.)

It would be a fine thing for American students if, in studying special topics in the history of their own country, they would occasionally compare the phases of historic truth here discovered with similar phases of discovery elsewhere; if, for example, the colonial beginnings of North America should be compared with Aryan migrations westward into Greece and Italy, or again with the colonial systems of Greece and of the Roman Empire, or of the English Empire today, which is continuing in South Africa and Australia and in Manitoba, the same old spirit of enterprise which colonized the atlantic seaboard of North America. It would interest young minds to have parallels drawn between English colonies, Grecian commonwealths, Roman provinces, the United Cantons of Switzerland, and the United States of Holland. To be sure, these various topics would require considerable study on the part of teacher and pupil, but the fathers of the American constitution, Madison, Hamilton, and others, went over such ground in preparing the platform of our present federal government. American sons can follow their fathers, although with unequal steps. Why should not American youth learn, as did the founders of our government, that there have been such things as confederations and unions, as constitutions and states rights, as checks and balances, in other countries and in former ages of the world? In such ways American history might become less provincial and more universal.

The prosecution of the comparative method in the study of history requires an increase of facilities beyond the meagre text-books now in use. While by no means advocating the abolition of all manuals, chronologies, and general sketches of history, I would strongly urge the establishment of class-libraries for historical reference. This special practice would be quite in harmony with the growing custom of equipping public schools with special libraries. It is a practice which the interest of publishers and the good sense

of all friends of education would tend to foster. In some cases, where pupils are well advanced, they can take the matter of supplying a special library into their own hands, under the direction of a teacher. At Smith College, Northampton, Massachusetts, the various classes, for several years in succession, instead of buying text-books in history, contributed the money which text-books would have cost, into individual class funds, with which a great variety of standard authorities and original sources of information were procured, covering the historical period the class was to study as no manuals could have done. Each class-library was kept under the control of a class-committee, who saw to it that the books were so distributed as to carry out the plans of the teacher for class-work and individual investigation. Special topics were assigned, which required reading in a variety of authors, a chapter here, a few pages there, a paragraph elsewhere. By careful management on the part of the teacher and by cordial coöperon the part of the class, a few good books of reference may become a circulating library of remarkable efficiency. The larger the class, the larger the library that can be afforded, and the greater the potential volume of class-knowledge thereby secured; but in smaller classes it is of course easier for the teacher to coördinate labor and its results. The preparation of essays on special themes, based upon the comparative method of study; oral examinations of the class upon general topics which have been prepared from different sources of information; the occasional inspection of note-books, the keeping of which should be required in connection with class-reading; written examinations on general topics, lectures, and certain optional subjects afford sufficient scope for the teacher's judgment as to the progress of his class by the comparative method.

At Smith College, Harvard College, and at the Johns Hopkins University, the comparative method of study in History and other subjects has long been in operation. In Cambridge and in Baltimore, certain books are reserved from the main library of the university for class use. In Baltimore, such reservations are occasionally supplemented by drafts on other libraries in the city and by private contributions. The books are read in the university reading room, but are taken out by special arrangement, for a limited time, when there is no other demand. In Baltimore, among undergraduates, the comparative method of historical study

is confined chiefly to the use of standard histories, with here and there an original source of information to give the spice of originality to student-research. The general theory is that undergraduates need training in good historical form, quite as much as in historical substance; that the influence of great masters like Curtius and Gibbon, Sismondi and Guizot, Hallam, Stubbs, Freeman, Green, Motley, and Bancroft, are of as great consequence as the facts they teach. The mere acquaintance with historical literature which a student acquires by the comparative method is likely to prove a greater value and stimulus to him in after life than any amount of text-book culture, of mere verbiage. Moreover, by the comparative method in the use of standard historians, students learn by a secondary process the same habits of reflection and individual judgment which they must afterwards apply and develop in the primary process of constructing history from original sources.

Good illustrations of the comparative method in historical study are the courses at Harvard College, given by Professor Torrey, aided by Dr. Edward Channing, in diplomatic history, international law, and modern constitutions. While certain approved text-books are used for the guidance of the class, comparative reading upon special topics is pursued by individual students. All the authorities recommended upon a given subject are placed among the books reserved for these courses. Similar methods are pursued by Professor Macvane in his excellent class-courses on European history and on the constitutional history of England.

3.—The Coöperative Method.

It is not possible, within the limits of this paper, to describe the development of that new system of writing history, which is based upon the economic principles of division of labor and final coöperation. The time was when individual historians, monks and chroniclers, grappled boldly with the history of the whole world. There are still compilers of text-books for schools and colleges who attempt to epitomize the deeds of men from creation down to the present day. Indeed, the greatest of living historians, Leopold von Ranke, is now rapidly reviewing universal history in a work which already embraces several volumes and which he hopes to finish soon, being now at the age of eighty-eight, so that he may resume more special work. But, in spite of this extra-

ordinary example, which seems to defy the weakness of age and the will of fate, it may be said with confidence that the day of universal histories by individual men is past. The day for the special and coöperative treatment of history by countries, epochs, and monographic themes is already here. We see a coöperative tendency in the best school-books. The history even of a single nation is now recognized as too vast a thing for one man to handle in a truly scientific manner, although special results of individual research are still coördinated in popular ways. The most notable example of the coöperative method in universal history is the new monographic history of the world, edited by Professor Wilhelm Oncken, but composed by the most eminent specialists in Germany. One man writes the history of Egypt in the light of modern research, another that of Persia; a third reviews the history of Greece, giving the latest results of Grecian archæological investigations; others revise Roman history and the early history of Germanic peoples.

This coöperative method has lately been applied in Schönberg's great work on political economy, and was applied many years ago to a dictionary of political science by the late Dr. J. C. Bluntschli, of Heidelberg. Under his editorial guidance contributions were made by French and German specialists to a great variety of subjects relating to European history and politics. Bluntschli's example has been followed in this country by the publication of Lalor's Cyclopædia of Political Science, Political Economy, and of the Political History of the United States. In America, the coöperative method of writing history has long been in quiet operation. Perhaps one of the earliest and most fruitful examples was that of the Massachusetts Historical Society, which, in the latter part of the last century, began to encourage the writing of New England town history upon principles of local coöperation. The contributions of parish ministers and local antiquaries were published in the proceedings of the society, and proved the humble beginnings of that remarkable series of town histories, which have now specialized the constitution of New England into a vast number of village republics, each one thought worthy of independent treatment. Coöperation has entered even the local domain, *e. g.*, the history of Boston, after passing through various individual hands, has lately been rewritten by a group of specialists, working under the editorial direction of Professor Justin Winsor, of Harvard

College. This method is now proposed in Providence and other cities. It has been extended by Justin Winsor to the whole country; for the Narrative and Critical History of the United States, which he is now editing, is made up of monographs by the best specialists that the country affords.

This method of coöperative class-work in Political Economy is pursued with great success by Professor Henry C. Adams, at Cornell and Michigan Universities. The students prepare papers or reports on special themes connected with the regular work. The professor himself gives systematic courses of class-lectures, elementary and advanced. The elementary course, to be given this year (1884) at Cornell, will consider the history and development of economic thought since 1550, the basis of political economy, production, exchange and distribution. The advanced course will be upon practical economic problems of the present time, among which will be the questions of free trade and the tariff. Professor Adams accepts very largely the views of the English economists on the tariff question. He will consider the analysis of international trade as compared with domestic trade, for the purpose of determining whether the principles which regulate the one apply, without modification, to the other. He will consider also the theory of protection, the theory of free trade, reciprocity, protection in its relation to public revenue, tariff legislation in the United States, the order in which modifications in the existing tariff should be undertaken, and the rapidity with which the country may, without disaster, be brought to the realization of its just policy. Professor Adams first proposes to state the problem of the tariff on both sides, then ask the student to study the various industries in the country to determine how far they are self-supporting and what ones need protection, finishing with a few lectures on the history of the tariff in the United States. At Michigan University Dr. Adams has conducted similar courses and, in his Financial Seminary, has encouraged coöperative studies among his pupils, particularly in writing the History of American Taxation.

American History.

The same method is pursued in the study of American History by graduate students, who coöperate with their instructor in surveying the colonial and constitutional fields. On this home-

ground, student-lectures, based upon an examination of existing authorities and certain original materials, lead gradually to independent investigations and thus to scientific contributions to the Seminary, if not to the University Studies in Historical and Political Science. Without quoting, in this connection, the topics in American Institutional and Colonial History, lately pursued by a class of graduate students at the Johns Hopkins University, I would call attention to the new departure* recently made at Harvard University, in the coöperative study of American Constitutional History by a class of undergraduate students (Sophomores and Juniors) under the direction of Dr. Albert B. Hart, a former pupil of Von Holst's at the University of Freiberg, where Mr. Hart lately took his degree as doctor of philosophy.

During the present academic year at Harvard University, the instructor has given his class a systematic course of lectures upon the outlines of American Constitutional History. A syllabus or analysis of this course, together with a list of authorities and an elaborate system of references, was prepared by Dr. Hart and was printed by the class at its own expense. The lectures considered such preliminary conceptions as History, definitions of a Constitution and characteristics of a State; the Constitution of England at the outbreak of the Revolution; Institutions of the United States derived from England; the Colonists, their government and relations with England, early schemes for a Union of the Colonists; Colonial Union; Independence; formation of the Confederation; conflicts of the Confederation with the States; weakness of the States; proposed amendments of the articles of Confederation; the Constitutional Union; scope of the Constitution; origin and nature of the Constitution; organization of the Government; early Constitutional questions; Acts putting into

*This new departure was quickened by earlier efforts. The success of Dr. Freeman Snow's course, in 1882–83, on the Constitutional and Political History of the United States, was very remarkable in point of attendance. There were 163 who followed the lectures, including 1 graduate, 85 seniors, 62 juniors, 8 sophomores, 6 specials, and 1 scientific. The character of the course was of a high order, if one may judge from the published "Guide to the study of the Constitutional and Political History of the United States," (Cambridge, W. H. Wheeler, 1882–3) which was intended as the basis of the lectures and for the encouragement of private study. This outline of the United States Constitutional History with historical references is among the most serviceable yet prepared.

effect clauses of the Constitution; questions relating to the States; Constitutional questions of national policy; Washington's first Administration; foreign relations with France and England; the Whiskey Rebellion; the Jay treaty; Legislation; Relations with Spain; Alien and Sedition Acts; Virginia and Kentucky Resolutions; the Supreme Arbiter; Interposition as a remedy for Usurpation; fall of the Federal party; policy of the Republican party; the Public Lands; the Louisiana annexation.

4.—The Seminary Method.

The *Seminarium*, like the college and the university, is of ecclesiastical origin. Historically speaking, the seminary was a nursery of theology and a training-school for seminary priests. The modern theological seminary has evolved from the mediæval institution, and modern seminary-students, whether at school or at the university, are only modifications of the earlier types. The Church herself early began the process of differentiating the ecclesiastical seminary for the purposes of secular education. Preachers became teachers, and the proaganda of religion prepared the way for the propaganda of science. The seminary method of modern universities is merely the development of the old scholastic method of advancing philosophical inquiry by the defence of original theses. The seminary is still a training-school for doctors of philosophy; but it has evolved from a nursery of dogma into a laboratory of scientific truth.

A young American, Professor of Greek at Dartmouth College, John Henry Wright, in an admirable address on the Place of Original Research in College Education, explains very clearly the transitional process from the theological seminary to the scientific seminary. "The seminaries were instituted that theological students, who expected to teach on the way to their profession, might receive special pedagogical training in the subjects in which they would be called upon to give instruction in the schools. As the subject-matter of liberal instruction was mainly the languages and literatures of Greece and Rome, the seminaries became philological in character. The first seminary that actually assumed the designation of philological was that founded at Göttingen in 1733, by Gesner the famous Latinist. This seminary has been, in many respects, the model for all later ones."*

*An address on The Place of Original Research in College Education, by

The transformation of the *Seminarium* into a laboratory of science was first accomplished more than fifty years ago by Germany's greatest historian, Leopold van Ranke. He was born in the year 1795, and has been Professor of History at the University of Berlin since 1825. There, about 1830, he instituted those practical exercises in historical investigation (*exercitationes historicae*) which developed a new school of historians. Such men as Waitz, Giesebrecht, Wattenbach, Von Sybel, Adolph Schmidt, and Duncker owe their methods to this father of historical science. Through the influence of these scholars, the historical seminary has been extended throughout all the universities in Germany, and even to institutions beyond German borders. Let us consider a few seminary types.

Heidelberg Seminaries.

At the university of Heidelberg, as elsewhere in Germany, there are seminaries for advanced training in various departments of learning, chiefly, however, in philology and in other historical sciences. The philological seminary, where the use of the Latin language for formal discussion is still maintained at some universities. is perhaps the connecting link between mediæval and modern methods of scholastic training. In the Greek seminary of the late Professor Koechly, at Heidelberg, the training was preëminently pedagogical. The members of the seminary took turns in occupying the Professor's chair for one philological meeting, and in expounding a classical author by translation and comment. After one man had thus made trial of his abilities as an instructor, all the other members took turns in criticising his performance, the Professor judging the critics and saying what had been left unsaid.

In the historical seminary of Professor Erdmannsdoerffer, the method was somewhat different. It was less formal and less pedagogical. Instead of meeting as a class in one of the university lecture-rooms, the historical seminary, composed of only six men,

John Henry Wright, Associate Professor of Greek in Dartmouth College, read before the National Educational Association, Department of Higher Instruction, July 14, 1882, Saratoga, N. Y. From the Transactions, 1882. This address, and Prof. E. Emerton's recent contribution on "The Historical Seminary in American Teaching," to Dr. G. Stanley Hall's volume on Methods of Teaching and Studying History, are the best American authorities on the Seminary Method.

met once a week in a familiar way at the Professor's own house, in his private study. The evening's exercise of two hours consisted in the critical exposition of the Latin text of a mediæval historian, the *Gesta Frederici Imperatoris*, by Otto, Bishop of Freising, who is the chief original authority upon the life and times of Frederic Barbarossa. As in the Greek seminary, so here, members took turns in conducting the exercises, which, however, had less regard for pedagogical method than for historical substance. Each man had before him a copy of the octavo edition of Bishop Otto's text, and the conductor of the seminary translated it into German, with a running comment upon the subject matter, which he criticised or explained in the light of parallel citations from other authors belonging to Bishop Otto's time, who are to be found in the folio edition of Pertz's *Monumenta Germaniae Historica*.

From this method of conducting the seminary, it would appear as as though one man had all the work to do for a single evening, and then could idly listen to the others until his own turn came once more. But it was not so. Subjects of discussion and for special inquiry arose at every meeting, and the Professor often assigned such subjects to the individuals most interested, for investigation and report. For example, he once gave to an American student the subject of Arnold of Brescia, the Italian reformer of the twelfth century, who was burnt to death in Rome in 1155, having been delivered up to the pope by Frederic Barbarossa. The investigation of the authorities upon the life-work of this remarkable reformer, the precursor of Savonarola and of Luther, occupied the student for many weeks. On another occasion, Seminary discussion turned upon the origin of the Italian Communes, whether they were of Roman or of Germanic origin. An American student, who had been reading Guizot's view upon the origin of municipal liberty, ventured to support the Roman theory. The Professor referred the young man to Carl Hegel's work on the Constitution of Italian Cities and to the writings of Von Maurer. That line of investigation has occupied the American student ever since 1876, and the present work of the historical seminary at the Johns Hopkins University is to some extent the outgrowth of the germ brought to Baltimore from the Heidelberg seminary.

Bluntschli's Seminary.

As an illustration of seminary-work, relating more especially to modern history and modern politics, may be mentioned the private class conducted for two hours each week in one of the university rooms by the late Dr. J. C. Bluntschli, professor of constitutional and international law at Heidelberg. In his seminary, the exercises were in what might be called the comparative constitutional history of modern European states, with special reference to the rise of Prussia and of the new German empire. Bluntschli himself always conducted the meetings of the seminary. Introductory to its special work he gave a short course of lectures upon the history of absolute government in Prussia and upon the influence of French and English constitutional reforms upon Belgium and Germany. He then caused the seminary to compare in detail the Belgian constitution of 1830 with the Prussian constitution of 1850. Each member of the seminary had before him the printed texts, which were read and compared, while Bluntschli commented upon points of constitutional law that were suggested by the texts or proposed by the class. After some weeks' discussion of the general principles of constitutional government, the seminary, under Bluntschli's skilful guidance, entered upon a special and individual study of the relations between church and state, in the various countries of Europe, but with particular reference to Belgium and Prussia, which at that time were much disturbed by conflicts between the civil and the ecclesiastical power. Individual members of the seminary reported the results of their investigations, and interesting discussions always followed. The result of this seminary work was an elaborate monograph by Bluntschli himself upon the legal responsibility of the Pope, a tractate which the Ultramontane party thought inspired by Bismarck, but which really emanated from coöperative studies by master and pupils in the Heidelberg seminary.

Seminary of Political Economy.

At Heidelberg a seminary in political economy is conducted by Professor Knies, who may be called the founder of the historical method as applied to this department. His work on Politische-oekonomie vom Standpunkt der geschichtlichen Methode was published in 1853, and ante-dates the great work of Roscher by one year. The seminary method encouraged by Knies consists chiefly

in the reading and discussion of original papers by his pupils upon assigned topics. The latter were sometimes of a theoretical but quite frequently of an historical character. I remember that such topics as Turgot's economic doctrines were often discussed. The various theories of wealth, from the French mercantilists and physiocrats down to Henry C. Carey, were examined. The meetings of the seminary were held every week and were not only of the greatest service in point of positive instruction, but also, in every way, of a pleasant, enjoyable character. Men learned to know one another as well as their professor. A most valuable feature of the seminaries in political science at Heidelberg was a special library, quite distinct from the main university library. Duplicate copies of the books that were in greatest demand were at the service of the seminary.

The Historical Seminary at Bonn.*

The object of this seminary, as of all German historical seminaries, is to introduce special students to the best methods of original research. The Bonn seminary is one of the most flourishing in all Germany. It is an endowed institution. It was instituted in the year 1865, and enjoys the income of a legacy of forty thousand marks left it by Professor Wilhelm Pütz. The income is devoted to three stipends, each of about 600 marks, for students of history and geography who have successfully pursued one or both of these sciences for two years. Said stipends are awarded annually by the philosophical faculty upon recommendation by the director of the seminary. It is said that a student of Bonn university has a better chance of obtaining such stipend than does a candidate from outside. In addition to this endowment of ten thousand dollars, the Bonn seminary of history is allowed a special appropriation, in the annual university budget, for general expenses, for increasing the seminary library, and for the director's extra salary. Any unused balance from the fund devoted to general expenses is expended for library purposes.

The historical seminary of Bonn has now four sections, each under the guidance of a professor, representing a special field of history. The four professors constitute a board of control for

* See L'Université de Bonn et l'enseignement supérieur en Allemagne, par Edmond Dreyfus-Brisac (editor of the Revue international de l'enseignement), "Les Séminaires."

the entire seminary. The director is appointed from year to year, the four professors rotating in the executive office. The student membership for each section is restricted to twelve. The meetings occur once a week, from five to seven o'clock in the evening. All members are expected to be present, although no individual student makes more than one contribution during a semester. Members are subject to expulsion by the board of control for failure to discharge any obligations, for inadequate work, or for misuse of the library.

The library consisted, in 1879, of 308 works, and was kept in the charge of one of the members of the seminary. Among the books noticed by Dreyfus-Brisac, at the time of his visit, were the Monumenta Germaniae Historica, Fragmenta Historicorum Græcorum, Corpus Inscriptionum Latinarum, Corpus Inscriptionum Atticarum, the complete works of Luther, the Annales Ecclesiastici, edited by Baronius, Corpus Scriptorum Historiae Byzantinæ, Muratori's Scriptores Rerum Italicarum, The Glossary of Mediæval Latin, by Ducange, a set of Sybel's Historische Zeitschrift, Forschungen (Munich), the writings of Curtius, Mommsen, Ranke, Sybel, etc.

Dreyfus-Brisac mentions other seminaries at Bonn University, notably that of the late Professor Held, in Political Economy, held privately in his own house, and the pedagogical seminary of Bona-Meyer. The observing, critical Frenchman says, that he knows of nothing more remarkable in German educational methods, nothing more worthy of imitation, than the seminaries of Bonn.

An American Student on German Seminaries.

Dr. Charles Gross, an American student who has recently taken the degree of Doctor of Philosophy at Göttingen, in the department of History, with the highest honors, and who is now studying English Municipal History in the British Museum, has written by request the following account of German historical seminaries, in which he has had long and varied experience:

"The German historical seminary aims to inculcate the scientific method. It is the workshop in which the experienced master teaches his young apprentices the deft use of the tools of the trade. In the lecture room the professor presents the results of his investigations; in the *Seminar* (or *Uebungen*) he shows just what he had to do in order to secure those results. The German

student lays far more stress upon his *seminar* than upon his lectures. He may "cut" the latter for weeks at a time, while he is very assiduous in his attendance upon the former. The latter may be obtained from books or from the *Heft* of some more conscientious student; but the scientific method, the German maintains, is the gift of time and the seminary only,—the result of long contact between the mind of the master and the mind of the disciple.

"Two different kinds of work predominate in the German historical seminary: the writing of short theses (*Kleine Arbeiten*) or the critical reading of some document or documents, more frequently of some chronicler or chroniclers. The professor selects a list of subjects for theses from the field of his special line of investigation, and assigns them to the students, the latter's particular tastes being generally consulted. A member of the seminary rarely has more than one thesis during the semester, frequently not more than one during the year, and during his first two or three semesters none at all. The professor points out the sources and authorities, and the student consults with him whenever difficulties arise in the preparation of the work. One or two critics (*Referenten*) are appointed for each thesis, who comment upon the production after it has been read. A free discussion of the subject then follows, the professor and students doing all in their power to show the utter lack of *Wissenschaft* in the author's method.

"As regards the other element of seminary work, viz., critical reading of some chronicler, to each student is assigned a certain portion of the text, which, with the aid, if necessary, of other contemporaneous sources pointed out to him by the professor, he is expected to treat in accordance with the canons of historical criticism, the other students commenting *ad libitum*.

"Now these two elements are variously combined in different *Seminars*. Generally both are carried on side by side, an hour perhaps being taken up with the thesis, and the other hour of the session with some text. (That, *e. g.*, is the plan of Prof. Bresslau of Berlin.) Sometimes the seminary is divided into two sections, one for the *Kleine Arbeiten*, and the other for the critical manipulation of some chronicler (*e. g.*, Giesebrecht's *Seminar* in Munich). Sometimes one of the two elements is excluded (v. Noorden in Berlin had no theses in my day; Droysen nothing but theses). Sometimes the students are not required to do any work at all, the professor simply commenting upon some text for an hour or two. (That was Weizsäcker's and Pauli's method.)"

Paul Frédéricq, on German Lectures and Historical Seminaries.

One of the best accounts of German university instruction in history is that given by Paul Frédéricq, Professor in the University

of Liège, Belgium. He made two excursions to German university centres in the years 1881 and 1882, and published a most instructive article in the *Revue de l'instruction publique* (*supérieur et moyenne*) *en Belgique*, in 1882. The article is entitled, *De l'enseignement supérieur de l'histoire.** It will probably be soon translated for publication in America. M. Frédéricq visited Berlin, Halle, Leipzig, and Göttingen. He describes, in a pleasant way, the various lectures that he attended, the professors he met, and the methods that he learned. To one acquainted with life at the Berlin university, its professors of history, and its lecture courses, M. Frédéricq's picture seems almost perfect. One sees again, in fancy, Heinrich von Treitschke, the brilliant publicist and eloquent orator with his immense audiences, everyone of them an enthusiastic seminary of Prussian Polities. The following felicitous sketch of Gustav Droysen will be appreciated by all who have seen that distinguished professor in Katheder:

"Je le vois encore, tenant en main un petit cahier de notes á couverture bleue et accoudé sur un grossier pupitre carré, exhaussé au moyen d'une allonge, qui se dressait à un demi-mêtre au-dessus de la chaire. Il commença á mi-voix, á la maniére des grands prédicateurs français, afin d'obtenir le silence le plus complet. On aurait entendu voler une mouche. Penché sur son petit cahier bleu et promenant sur son auditoire des regards pénétrants qui perçaient les verres de ses lunettes, il parlait des falsifications dans l'histoire. . . . A chaque instant une plaisanterie trés réussie, toujours mordante et acérée, faisait courir un sourire discret sur tous les bancs. . . . . J'y admirai la verve caustique, la clarté et la netteté des aperçus, ainsi que l'habileté consommée avec laquelle le professeur lisait ses notes, de maniére á faire croire á une improvisation."

The historical seminary conducted by Professor Doysen is one of the best at the University of Berlin. Although Professor Frédéricq failed to obtain access to this seminary as well as to that of Mommsen's, being told *qu' on y exercait une critique si sèvére, si impitoyable que la présence d' un étranger était impossible*, yet he quotes in a work† more recent than the article above men-

* Another good authority upon the subject of German seminaries is M. Charles Seignobos, of Dijon, France, in his critical article on l'enseignement de l'histoire dans les universités allemandes, published in the *Revue internationale de l'enseignement*, June 15, 1881. Cf. pp. 578–589.

† De l'enseignement supérieur de l'histoire en Belgique, XV. Published as an introduction to the Travaux du Cours Pratique d'Histoire National de Paul Frédéricq. [Gand et La Haye, 1883.]

tioned the observations made in 1874 by his colleague, Professor Kurth, of Liège:

"M. Droysen, dans sa *Société historique*, tient aux travaux écrits, parce qu' ils semblent donner plus de consistance aux études et que c'est quelque chose qui reste; ils fournissent plus facilement l'objet d'une discussion, ils font mieux apprécier le degré de force d'une élève ainsi que ses aptitudes scientifiques; enfin, ils permettent à ses condisciples de profiter mieux de son travail. La correction de celui-ci en effet, est confiée á un autre élève qui, sous les auspices du professeur, en critique les erreurs et le discute dans la réunion suivante avec l'auteur; de là, des controverses souvent animées, auxquelles chaque assistant peut prendre part, et qui offrent l'aspect d'une véritable vie scientifique."

M. Frédéricq describes with evident pleasure the privilege he enjoyed, through the courtesy of George Waitz, in being admitted to the latter's seminary, held every Wednesday evening, for two hours, in his own house. The seminary consisted of nine students. They were seated at two round tables, which were loaded with books. The students had at command the various chronicles relating to the times of Charles Martel. The exercise consisted in determining the points of agreement and disagreement among original authorities, with reference to a specific line of facts, in how far one author had quoted from another, &c. "The professor asked questions in a quiet way, raised objections, and helped out embarrassed pupils with perfect tact and with a kindly serenity." M. Frédéricq noticed how, at one time, when a student had made a really original observation, the professor took out his pencil and made a note of it upon the margin of his copy of the chronicle. In such simple ways the spirit of independent thought and original research is encouraged by one of the greatest masters. George Waitz is the successor of G. H. Pertz as editor of the *Monumenta Germaniae Historica*. To see upon the professor's desk great bundles of printer's proofs for this vast work, only deepened M. Frèdèricq's impressions that here in this private study was really a workshop of German historical science.

Seminaries of Art and Archæology.

M. Frédéricq describes another phase of historical training which is eminently worthy of imitation in all colleges or universities, where there is convenient access to an archæological museum. Ernst Curtius is perhaps even more famous in Berlin as a classical

archæologist than as the historian of Greece. His lectures upon Grecian art are accompanied by a weekly visit of his class to the museum, where an hour or two is spent in examining plaster-casts and fragments of antique sculpture under the guidance of Curtius himself. Having enjoyed this very experience on many occasions in Berlin, the writer can attest the literal truth of the following description:

"L'après-midi, M. Curtius nous avait donné rendezvous au Musée des antiques, où il fait chaque semaine une leçon sur l'archéologie greeque et romaine. A son arrivée les étudiants qui l'attendaient en flânant à travers les collections, le saluèrent selencieusement, puis remirent leur chapeau. M. Curtius resta couvert aussi et commença sur-le-champ sa promenade de démonstrations archéologiques. Armé d'un coupe-papier en ivoire, il allait d'un objet à l'autre, expliquant, indiquant les moindres particularités avec l'extremité de son coupe-papier, tantôt se haussant sur la pointe des pieds, tantôt s'agenouillant pour mieux détailler ses explications. A un moment même il se coucha par terre devant un trépied grec. Appuyé sur le coude gauche et brandissant de la main droite son fidèle coupe-papier, il s'extasia sur les formes élégantes et sur les ornements ravissants du petit chef-d'œuvre. On comprend aisément combien des leçons faites avec chaleur par un tel professeur, dans un musée de premier ordre, doivent être utiles aux élèves. La leçon que j'ai entendue ne roulait que sur des points secondaires: trépieds, candélabres, vases en terre cuite, etc., et malgré cela il s'en dégageait une admiration communicative et une sorte de parfum antique. On m'a assuré que lorsqu'il s'occupe de la statuaire, M. Curtius atteint souvent à l'éloquence la plus majestueuse; et je le crois sans peine."

The same method of peripatetic lectures, as described by M. Frédéricq, was also pursued when I was in Berlin, 1874–5, by Herman Grimm for the illustration of art-history. Once a week he would meet his class at the museum for the examination of works illustrating early Christian plastic and pictorial art, for example, that of the Catacombs; also works illustrating Byzantine and Germanic influences, and the rise of the various Italian, French, German and Flemish schools of painting and sculpture. More was learned from Grimm's critical commentary upon these works of art, whether originals, photographs or engravings, than would be possible from almost any course of lectures upon the philosophy of art or æsthetics, without concrete realities to teach the eye. The wealth of that great museum of Berlin—for student-purposes one of the finest in the world—is best appreciated when a man like Grimm or Curtius points out its hidden treasures.

The same illustrative methods in ancient and modern art were also practiced by the late Professor Stark, the archæologist and art historian of Heidelberg. Although the museum of the latter university is small, when compared with that of Berlin, yet it serves to illustrate what any institution of moderate resources can accomplish for its students in the way of supplying original sources of art-history, at least in the shape of casts, photographs, and other *fac simile* reproductions of artistic objects. If Stark did not have original tripods, candelabras and terra cottas, he had, nevertheless, images of almost every important object mentioned in his lectures. One of the exercises in Stark's archæological seminary consisted in the explanation at sight, by individual members, of pictorial representations upon Greek vases, which were inexpensively reproduced in colored plates, so that every man could have before him a copy of the work under discussion. There is a great future for American student-research in the field of art-history, which Herman Grimm used to call *die Blüthe der Geschichte*. The quick success in England of Dr. Charles Waldstein, a pupil of Stark's at Heidelberg, shows what possibilities there are beyond German borders for the science of art and archæology. The popularity of Professor Norton's seminary and art-courses at Cambridge, Massachusetts, shows that interest in such matters is kindling upon this side of the Atlantic. The art collections begun by Yale, Amherst and Smith, Vassar and Cornell, Michigan and Johns Hopkins University indicate that the day of art seminaries is not far off.

Seminary Libraries.

One of the most interesting and important features of the German historical, political and archæological seminaries is the special library, distinct from the main university collections. We have already noticed the existence of such libraries at Heidelberg and Bonn; and it may be said in general that they are now springing up in all the universities of Germany. So important an auxiliary have these seminary-libraries become that in some universities, where the seminaries have been recognized by the state, a special appropriation is granted by the Government for library purposes. The Government of Saxony granted Professor Noorden, of Leipzig, 6,500 marks for the foundation of his seminary-library, and an annual subsidy of 1,200 marks. This revenue for

the purchase of books is considerably increased by a charge of ten marks per semester, paid by every student who has access to the seminary-library. The privileges of this working-library are regarded as analogous to the privileges of using laboratory apparatus or attending a clinique.

In addition to a special library, German seminaries are now procuring special rooms, not only for regular meetings, but for daily work. The historical seminary at Leipzig, embracing four sections like that at Bonn, has had, since 1880, five rooms at its disposal; one consultation-room or *Sprechzimmer* for the professors, one room for maps and atlases, and three large rooms where the students work, with their special authorities around them. Every student has for himself a table containing a drawer, of which he keeps the key. The rooms are inaccessible to all except members of the seminary, who are intrusted with pass-keys and can enter the library at any time from nine o'clock in the morning until ten o'clock at night. The rooms are warmed and lighted at university expense. Each student has a gas-jet above his own table, and is absolutely independent of all his neighbors. Individuality is a marked feature of student-life and student-work in Germany. Men never room together; they rarely visit one another's apartments; and they almost always prefer to work alone. Society and relaxation they know how and where to find when they are at leisure. By general consent German students attend to their own affairs without let or hindrance. This belongs to academic freedom. It belongs to the seminary, and it belongs to the individual student.

M. Seignobos in his excellent article on l'enseignement de l'histoire en Allemagne,* says, "tout *seminaire historique d' Etat* possède sa bibliothèque propre et sa salle de travail réservées à l'usage de ses membres. Là, au contraire, tous les livres sans exception, restent à demeure, afin que l'étudiant soit toujours sûr des les trouver." M. Seignobos gives a list of some of the chief works that are to be found in the historical seminary library at Leipzig. He noted Pertz, Monumenta Germaniae; Jaffé, Regesta Pontificum; Jaffé, Bibliotheca rerum Germanicarum; Böhmer, Regesta imperatorum; Böhmer, Fontes rerum Germanicarum; Muratori, Scriptores; Bouquet, Historiens des Gaules; Wattenbach and Lorenz, Quellengeschichte; Forschungen zur deutschen

* Revue international de l'enseignement, June 15, 1881. "Bibliothèques."

Geschichte; Archiv der gesellschaft für deutsche geschichte; Historische Zeitschrift; Walter, Corpus juris Germanici; Zöpfl, Rechtsgeschichte; Waitz, Deutsche Verfassungsgeschichte; Gengler, Codex juris municipalis; Annales ecclesiastici; Migne, Vies des Papes; Giesebrecht, Geschichte der deutschen Kaiserzeit; Giesebrecht, Jahrbücher des deutschen Reiches; Scriptores rerum Prussicarum; Huillard-Bréholles, Frédéric II; Hefele, Consiliengeschichte; Gregorovius, Geschichte der Stadt Rom; Collection Byzantine; Sickel, Monumenta graphica; Potthast, Bibliotheca medii ævi.

The Statistical Seminary in Berlin.*

This government institution, while dealing with Prussian statistics, is also a regular seminary for the training of university graduates who have passed the examinations required for entrance to the higher branches of the civil service. The seminary, which was first opened in November, 1862, was under the direction of Dr. Edward Engel, chief of the Bureau of Statistics, aided by various university professors. The idea was that the government offices of the statistical bureau should become laboratories of political science. Not only are the facilities of the department utilized for training purposes, but systematic courses of lectures are given to the statistical seminary by university professors coöperating with the chief and his assistants. Subjects like the following are treated: the theory and technique of statistics; agrarian questions; conditions and changes of population; political economy in its various branches; insurance; social questions; administration; prison discipline and prison reform in various countries; sanitary questions, physical geography, etc.

The amount of original work produced by the bureau and seminary of statistics is very great. One has only to examine the Verzeichniss der periodischen und anderen Schriften,† which are published by these government offices, in order to appreciate the scientific value of the scholar in politics. These publications are of international significance, by reasons of the lessons which they teach. Whoever wishes to study, from a comparative point of

* Authorities: Dr. Engel, Das Statistische Seminar des Königl. Preussischen Statischen Bureaus in Berlin, 1864. Programmes of courses.

† For this catologue, one should address the Verlag des Königlichen Statistischen Bureaus, Berlin, S. W., Lindenstrasse, 28.

view, the subject of national or municipal finance; the relations of church and school; sanitation; insurance; trade and commerce; industries; population; land and climate; cities; development of the science of statistics; statistical congresses; markets; fairs; genealogies of royal families; tables of mortality; education; administration, etc., will be richly rewarded by consulting the published works of the Prussian Statistical Bureau, which can be obtained at catalogue prices.

Library of the Statistical Seminary.

Among the publications of the Prussian Statistical Bureau is the catalogue of its library in two royal octavo volumes. In the first, the authors and titles are arranged according to the *sciences* which they represent. In the second, the contents are grouped by States. Probably there is in existence no other such complete guide to political science in its historical, theoretical, and practical aspects.

This library, now numbering over 70,000 volumes, has been used by Johns Hopkins University men, two of whom have belonged to Dr. Engel's *Seminar*, and they would fully endorse the published statement by Dr. Engel, in his account of the Statistical Seminary, made as long ago as 1864. He says: "If we may believe the admissions of many specialists, there exists far and wide no library so rich, no collection of periodicals so select, no map collection so excellent, as those in the royal bureau of statistics. All new contributions to this branch of literature, whether in Germany, France, England, Belgium, Holland, Sweden, Norway, Denmark, Russia, Italy, Spain, Portugal, North and South America, are brought to the eyes of members of this seminary. A series of more than seventy special magazines of political economy, statistics, and the allied branches of industry, agriculture, commerce and trade, public works, finance, credit, insurance, administration (municipal and national), social self-help,—all this is not only accessible for seminary-use, but members are actually required to familiarize themselves with the contents of these magazines inasmuch as one of the practical exercises of the seminary consists in the preparation of a continuous report or written abstract of these journals."

Historical Seminaries in Belgium.*

The first real university-seminary in Belgium was instituted by Professor Kurth, at Liège, in the year 1874–5. In 1874 M. Kurth had made a tour of observation in Germany, and, in 1876, published his impressions of the seminaries of Bonn, Leipzig, and Berlin in the *Revue de l'instruction publique en Belgique* (1876, Vol. xix.) under the title, *De l'enseignement de l'histoire en Allemagne*, quoted by Paul Frédérieq in his admirable account of the higher education in history as now pursued in Belgium. The seminary-work organized by Professor Kurth was more especially in the domain of mediæval history. The work was divided into two sections. The first was a preparatory course upon historical methods and the principles of historical criticism, with exercises in the use of the original sources for a chosen period of history, which was to be studied in detail the second year. The second section was this more advanced course wherein special questions were considered and theses produced. Among the original sources thus presented were those of Lorraine, of the Diocese of Liège, of the times of Charles the Great, and of the early Teutons. Among the special studies already published by members of this flourishing seminary are monograms upon Saint Gregory of Tours and classical studies in the sixth century; origin of the city of Liège; Norman invasions of the Diocese of Liège. It will be observed that most of these topics relate to the historical environment of the university where this scholarly work was produced.

Professor Paul Frédérieq has been the professional colleague of M. Kurth and M. Émile de Laveleye at the university of Liège since 1880. The subject chosen by M. Frédéricq for the first year's work in a class of fourteen students was the Inquisition in the Netherlands. The seminary studied the ideas and legislation of the sixteenth century upon questions of heresy. Papal bulls and royal edicts, public documents and local archives, the pamphlets of the period, original memoirs, contemporary chronicles,—

* The authority upon this subject is M. Paul Frédérieq, professor of modern history in the University of Liège, author of the admirable papers on the higher education in history, as taught in Germany and Paris, elsewhere cited. His article, *De l'enseignement supérieur de l'histoire en Belgique*, may be found in the introduction to the first published collection of original studies by his own seminary at Liège. *Travaux du cours pratique d'histoire nationale.* [Gand et La Haye, 1883.]

such were the sources of information sought by Professor Frédéricq and his diligent pupils. The second year they studied materials relating to Margaret of Parma, regent of the Netherlands. The mention of her original correspondence, edited by Gachard, will illustrate the original character of the authorities employed.

One of the results of this kind of seminary-work is an elaborate monograph upon Margaret of Parma by one of Professor Frédéricq's pupils, Guillaume Crutzen, now professor of history in the royal athenaeum of Chimay. Other results of this seminary course in modern history are a monograph on Les édits des Princes-Évêques de Liège en matière d'hérésie au XVI siècle, by Henri Lonchay, now professor of history in the athenaeum of Ghent; also a monograph on L'enseignement public des Calvinistes à Gand (1578–1584) by Professor Frédéricq himself. These three studies by members of the university of Liège, together with Professor Frédéricq's introductory article, *L'histoire aux universités Belges*, have lately (1883) been published in a volume of about two hundred pages, entitled, "Université de Liège. Travaux du cours pratique d'histoire nationale."

Here are the beginnings in Belgium of the same system of seminary-publication as that represented in Germany by the *Historische Studien*, published by an association of university professors, and the *Giessener Studien auf dem Gebiet der Geschichte*,* edited by Wilhelm Oncken. Here are suggestions for similar undertakings in America.

It is interesting to an American student to find a Belgian seminary at Liège traversing anew, and in its own way, the history of the Netherlands, where our own countryman, Motley, was such a bold and successful pioneer. The seminary of Liège is now studying the correspondence of Philip II., of William the Silent (both edited by Gachard,) and van Prinsterer's collection of the archives of the house of Orange-Nassau, etc., with a view to fresh studies in this old but attractive field.

The Historical Seminary in Paris.

Perhaps the best authority upon this subject is Prof. Frédéricq's recent article on *L'enseignement supérieur de l'histoire à Paris*,

*Similar publications of student-theses are the *Hallesche Abhandlungen zur neueren Geshichte* herausgegeben von G. Droysen (son of the Berlin professor bearing the same name) and *Die historischen Uebungen zu Göttingen*, once edited by George Waitz.

printed in the *Revue International de l'enseignement*, July 15, 1883. One of the most interesting facts of a general nature noted by M. Frédéricq was the great number and variety of historical courses offered in the higher institutions of Paris. In the faculty of belles-lettres at the Sorbonne, at the Collège de France, in the École des chartes, in the École normale, the École pratique des hautes études and the École libre des sciences politiques there were in all fifty historical courses. In the university of Berlin there were, at the time of comparison, only twenty-six courses; at Leipzig, twenty-one; at Bonn, fourteen.

M. Frédéricq describes in minute detail the historical methods in vogue at the various learned institutions of Paris. The entire article deserves reproduction in some English journal of education. It is hoped that M. Frédéricq's studies on the higher education in history as pursued in Germany, France, and Belgium may all appear in English translation at no distant day. In this brief review, attention is called simply to the École pratique des hautes études, and to the seminary work of M. Gabriel Monod. The École pratique was founded in the year 1868, while M. Victor Duruy was in the ministry of public instruction. His idea was to institute new methods of practical instruction in mathematics, physics, chemistry, natural history, physiology, philology, and the historical sciences. The old method of instruction, especially in belles-lettres, had been of the lyceum-order — popular, entertaining, oratorical lectures for miscellaneous audiences. M. Duruy wished to substitute regular students for passing auditors, to create libraries and laboratories instead of supporting mere halls of learning. There was much discussion upon the subject of educational reform in France and the resultant literature * is very extensive.

* Statistique de l'enseignement supérieur, 1865 et seq.

L'Administration de l'instruction publique, Ministère de M. Duruy, Paris, 1870, pp. 932; Circulaires et instructions officielles relatives à l'instruction publique, Ministère de M. Duruy, pp. 716.

Karl Hillebrand, de le réforme de l'enseignement supérieur, Paris, 1868.

Gréard, l'enseignement supérieur à Paris, 1881.

Mélanges, publiés par la section historique de l'École pratique, 1878.

Monod, De le possibilité d'une reforme de l'enseignement supérieur, Paris, 1876.

Lavisse, L'Enseignement historique en Sorbonne et l'éducation national, Revue des Deux Mondes, Feb. 15, 1882.

Some of it would, doubtless, be highly suggestive to college reformers in America.

M. Gabriel Monod was appointed to give practical instruction in history. He was a young Frenchman, who had studied at German universities, at Berlin under Koepke, and at Göttingen under Waitz. M. Monod's practical work was begun in his own private apartment at Paris. After a time, the director of the École pratique, M. Renier, was able to obtain for this new school of history two little chambers in the fourth story of the right wing of the Sorbonne. These little rooms (*chambrettes*, *basses*, *presque des mansards*) belonged to the library of the Sorbonne. They are now furnished with books from floor to ceiling. They have become genuine laboratories of historical science. M. Frédéricq describes how master and pupils are constantly rummaging through the alcoves of their library. Tables, supplied with writing materials, extend along the line of the book-cases. There is an atmosphere of quiet, serious work pervading the entire apartment. M. Frédéricq says the very narrowness of the quarters has "quelque chose d'intime qui donne un charme tout particulier aux leçons. C'est un petit local adorable qui doit laisser un profond souvenir aux élèves. Il me semble qui si l'École pratique le quittait un jour pour aller occuper des installations plus vastes et plus monumentales, elle y perdrait quelque chose de très précieux: son physionomie, son cachet."

Passing from the environment of M. Monod's seminary to the seminary itself, our Belgian observer finds it consisting of about a dozen men, devoted to original research in the field of early French history. He heard one member of the seminary giving the results of his own investigations into the family history of King Robert, son of Hugh Capet. The student had a great package of notes, made copious citations from old chronicles, and corrected the mistakes of his predecessors. M. Frédéricq says a member of the old school would have laughed at such scrupulous attention to the petty details of such a subject, but, as for himself, he was delighted to find, in the very citadel of ancient university traditions, in the old Sorbonne, such a conscientious zeal for painstaking, scientific work. During the lecture given by his pupil, "M. Monod s'effaçait autant que possible pour ne pas entraver l'initiative de l'élève, écoutant avec une attention extrême, la tête penchée, deux doigts de la main gauche pressés sur la bouche, ou rajustant son pince-nez

avant de placer ça et là une brève rectification. À la fin de la leçon il prit chaque fois la parole pour résumer le débat en mettant les points sur les *i* et indiquer nettement les résultats solides et les questions restées obscures. Ici encore j'ai admiré la sagacité et le tact de cet excellent professeur."

The École pratique and the seminary of M. Monod have had a powerful influence upon the educational reconstruction of the higher institutions of Paris. One can no longer find such purely oratorical courses as flourished in former days for popular audiences. Professors in the Sorbonne now address their regular pupils, for whom are reserved the foremost places in those ancient lecture-halls. The École pratique has grown from small beginnings into a vast seminary of the arts and sciences with twenty-five professors and fifty courses of lectures. Since 1869 the school has had its own organ for collective publication, the so-called *Bibliothèque de l'École pratique des hautes études*, wherein have appeared some of the best special works in history by Messieurs Monod, Fagniez, Giry, and many others. In 1875, M. Monod established the *Revue Historique* and lately he has been one of the most active spirits in founding at Paris the *Société Historique* or the so-called *Cercle Saint Simon*, wherein are associated, upon a club basis (somewhat like the Athenaeum in London), many of the brightest men in Paris. The *Cercle* includes also certain non-resident members, gentlemen living in other parts of France or Europe, who are assured of good fellowship when they visit the club-rooms of the Société Historique, of which M. Monod is now the President.

Seminaries and Lectures at Harvard College.

One of the earliest and most successful applications of the seminary-method in this country was in the department of history at Harvard College, in the advanced classes of Professor Henry Adams.* It was at a time when the writings of Sir Henry Maine were first making their way into the minds of American students. Through Sir Henry Maine and Professor William Stubbs the current of German influence, from Von Maurer and George Waitz,

* It is an interesting fact that the first university lectures after the German model that were ever given in this country were those delivered at Harvard college, 1806–8, upon rhetoric and oratory, by John Quincy Adams, the grandfather of Henry Adams, who is the son of Charles Francis Adams.

came to England and America. It is gratifying to the American spirit of independence that this German current found so quickly in our country new channels of inquiry. Professor Adams began, indeed, his seminary-work with a critical review of the writings of Sir Henry Maine. The members of his class took each a chapter and studied it in the light of other evidence. Each man reported to the class upon the results of his critical study and was sharply opposed at every doubtful point by the professor, whose real views upon the subject were never avowed until the close of the exercise. So profitable was this kind of training and disputation that one young man has since developed into a radical opponent of the views of Sir Henry Maine and of Von Maurer himself, as regards the early history of institutions, particularly of village communities and of land-holding among the ancient Germans.*

Another independent result of the Harvard Seminary was a series of published essays upon Anglo-Saxon law. The professor himself investigated the subject of Anglo-Saxon law courts. Mr. Henry Cabot Lodge inquired into Anglo-Saxon land law. Mr. Ernest Young studied Anglo-Saxon family-law; and Mr. J. Laurence Laughlin, Anglo-Saxon legal procedure. These seminary-studies were published together in a volume entitled Essays in Anglo-Saxon Law (Boston: Little, Brown & Co., 1876). They were afterwards republished in England (London: Macmillan & Co.) and have everywhere met with cordial recognition by critical scholars in the old world as well as in the new. This published work has given a decided impulse to historical studies and joint publications elsewhere.

It is a suggestive commentary upon the practical bearing of this seminary-work at Harvard College that all three of the graduate

*Denman W. Ross, Ph. D. (Harvard): The Early History of Land-Holding among the Germans, (Boston: Soule and Bugbee, 1883); Studies in the Early History of Institutions, I–IV, Cambridge, Mass., Charles W. Sever, 1880–1. I–III. Theory of Village Communities; IV. Theory of Primitive Democracy in the Alps; The Theory of Primitive Communism.

The book on Land-Holding and the various studies support the ideas that land community was not a primitive institution; that, on the contrary, individual land-holding is the historic basis of landed property, even in its communal forms; and that the Teutonic village communities were always communities of serfs or tenants holding their lands from some lord. The book has been favorably reviewed in *The Spectator*, January 5, 1884; unfavorably in the *Saturday Review*, January 19, 1884.

students who were engaged with Professor Henry Adams in the preparation of this book on Anglo-Saxon Law were afterwards engaged as instructors in that institution and continued there the methods they had learned so well. Dr. Lodge instituted coöperative student-lectures in American colonial history, and he himself has since published an excellent Short History of the English Colonies in America, the Life of George Cabot, a Life of Alexander Hamilton, and Life of Daniel Webster (the last two in the series called American Statesman). But for Dr. Lodge the lessons of past history have now been transformed into present politics in Massachusetts. His former associates, however, continue in their academic career. Both are now assistant professors in Harvard University. During the past year, Dr. Young has conducted original courses in Roman Law (for one graduate, ten seniors, eleven juniors, and two sophomores), and in the Constitutional and Legal History of England (for two graduates, thirteen seniors, and fourteen juniors). This course best represents the continuity of work in institutional history originally begun by Professor Henry Adams. Dr. Laughlin has pursued, with his class, independent studies of the economic effects of land tenures in England, Ireland, and France (the class consisting of one graduate and six seniors). From classes much larger in size he has also required theses upon practical economic questions pertaining to this country, *e. g.* Bimetallism, Reciprocity with Canada, National Bank Issues, American Competition, etc. Dr. Taussig,* who has been associated with Professor Laughlin in teaching political economy, produced original studies on the history of tariff legislation in the United States, which gained him the Topham prize and the degree of Ph. D. in 1883. His thesis was entitled "Protection to Young Industries as applied in the United States."

Another line of seminary work at Harvard is more especially on church and state in the Middle Ages. Dr. Emerton, now professor of ecclesiastical history, was trained in methods of special work, not only at Harvard College, but also at Berlin university, in the seminary of Droysen. Dr. Emerton has conducted various seminary courses at Harvard for graduate and

* Dr. Taussig's studies were brought out in a special course of lectures before the students of the college, and were afterwards published by Moses King, of Cambridge, Mass. A second edition will appear from the press of G. P. Putnam's Son's, New York.

undergraduate students, but his work has dealt chiefly with topics of European history, from the time of Charles the Great to the end of the thirteenth century. His students have investigated the relations between the Papacy and the German Empire, the origin of mediæval institutions, the rise of French Communes, etc. He introduced the seminary method into the so-called "Harvard Annex," a Cambridge institution for the promotion of the higher education of women. One of his pupils, a graduate of Smith College, Northampton, prepared, under his direction, an elaborate thesis in German constitutional history, on the origin of the electoral college, for which the degree of doctor of philosophy was afterwards given her at Northampton in 1881. During the past year, Professor Emerton has conducted a seminary for the study and use of historical sources relating to church and state in the eleventh century. The seminary included one graduate and four seniors. Each member prepared five theses, embodying original investigations. Dr. Emerton has lately contributed to the Pedagogical Library, a chapter on "The Historical Seminary in American Teaching," which is an able exposition of the seminary idea. I shall quote from it at considerable length:

"History has been taught very badly in America, or rather, to be honest, it has rarely been taught at all. In the great development of educational methods since the war, it has been one of the departments most slowly and imperfectly recognized as worthy a place of its own. Even now, independent chairs of history exist in but very few American colleges, and the proportion of time given to its study is absurdly inadequate. No serious knowledge of history is required for entrance into our colleges, so that a considerable part of whatever teaching they may offer must needs be elementary. Our subject stands, therefore, in need of fair representation. It must be placed before the country in such a light as shall clearly show it to be worth all the care that can be bestowed upon it. It must be made clear that the claim of history to rank among the sciences is founded in fact—the fact that it has a scientific method. To illustrate and enforce this truth is the mission of the historical "Seminar" in America.

"Let us consider some of the conditions of its success. 1. It must consist of picked men. This is not a method adapted to every student. The recitation in elementary, and the lecture in advanced teaching, must still remain as the chief means of reaching great masses of students. The members of the practice-course, as I prefer to call it, must be men of exceptionally good preparation for this work, usually equipped with some considerable general knowledge of history, but especially strong in foreign

languages, in order that all possible tools may be available for their use. 2. Its numbers must be small, no more, at least, than can be comfortably seated about a small table, so that the relation of teacher and pupil shall be as informal as may be. The students must be in every way encouraged to feel that they are alone responsible for the success of their work, that they are investigators whose results may find a place in the world's record of learning, as well as those of any other men. The teacher must here cease to lay down for their acceptance the products of his own labor; he must become their guide only, enforcing always the lesson that their work alone can bring them substantial rewards. Thus, teachers and students become a working body together, with a definite purpose, with well understood ways of work, and with a common enthusiasm. 3. The subject selected for treatment must be one which lends itself readily to the purpose of the practice-course, one in which, above all else, the material is accessible in a convenient shape for handling. . . .

"Quite apart from all considerations of gain to the student is the relief and advantage which a class of this kind brings to the instructor. This is manly work. He feels himself here no longer the pedagogue laying down the law, but an overseer guiding the action of intelligent workers. It is not for him to inform them, but for them to inform him, while it is his part to see to it that they apply their powers in such a way as to insure the value of their results. There is a tendency among some educators to depreciate the value of original work by young scholars. They say it must needs be crude, and therefore useless. A wiser view is, that only through these first attempts at original effort can a man hope to make the most effective use of his powers when they shall have become mature. The evil with us is not that our boys begin to create too early, but too late. If every student, from the first moment that he learns anything, were compelled to reproduce it in proper shape, he would find himself in college vastly better equipped for the actual grappling with new truth than he now is.

"The principle of study I am here advocating is no longer on trial as an experiment in America. It has come to stay. I am not going too far, I think, in calling it the foundation of the Johns Hopkins University system, and the main source of the wonderful creative vigor already developed by that young institution. Other colleges are following. In all, perhaps, a half dozen can show some form of this practical instruction in moral science. And the development must go on. Libraries must become the laboratories in these sciences in which the head plays the most important part. The library must cease to be the store-house for books and become the working-place where the historian, the philosopher, and the philologist of the future are to get their most effectual training."

Seminary Work in Harvard College Library.

The conversion of a library into a laboratory of science is well illustrated at Harvard College, where, through admirable management by the librarian, Professor Justin Winsor, the custom has long prevailed of bringing the materials needed for a specific line of class-work to the notice of students in alcove-reservations, "to which the students have unrestricted access."* Books are treated as specimens, to be examined, tested, analyzed by the class of students for whose benefit they are set forth. Usually the instructor's name is placed upon that collection of authorities which he has selected for the use of his class. Reserved books can be taken out over night. While conflicts of interest sometimes occur between instructors or students who need the same books, yet these matters are generally settled by principles of comity, or by the greatest good of the greatest number. The point is to secure the greatest efficiency of the college library as a laboratory for student-work. Professors Greenough, Emerton and others, have gained this point by having seminary classes meet in one of the small rooms of the library building — an idea which was afterwards carried out by the Baltimore Historical Seminary, which met for a time in one of the small lecture-halls of the Peabody Institute.

Seminary Work in the University of Michigan.

The development and present character of seminary work in history at the University of Michigan are described as follows by Professor Charles Kendall Adams, Dean of the School of Political Science:

"I hardly suppose there are any peculiarities in our methods of instruction before coming to the seminary work that I need to describe. In the paper I contributed to Dr. Hall's volume,† I gave some hints that will enable you to judge as to what we do.

* See Justin Winsor's report on the Library of Harvard College. Annual Reports, 1882–3. It appears from Mr. Winsor's report that the practice of giving students temporary admission to the shelves is a growing tendency at Harvard College. The number of times that cards of admission are actually used would seem to be a fair test of the extent to which the library was becoming a work-shop. In 1879–80, the number was 340; in 1880–1, it is 870; in 1881–2, it was 2,542; last year it was 3,340,—a total increase in four years of 3,000 cases of *original research*. It appears that during the past year 167 students have used admission cards—46 were students of History, 5 of Political Economy.

† Pedagogical Library, edited by G. Stanley Hall, Vol. I., Methods of Teaching History, pp. 171–181.

But a few words in regard to the seminary work may not be unwelcome.

"This, of course, had to be evolved out of the old collegiate curriculum. When I took hold of my work here, in full charge of the Department of History, in 1868, it occurred to me that something might be done to awaken further interest by introducing the German seminary methods. I had observed the work done in the seminaries in Berlin, Leipzig, and Bonn, and was convinced that better work could be done than, up to that time, had here been attempted. Accordingly, the next year, in 1869, I got together a group of seniors, especially interested in historical studies, to see what I could do with them. The students were, of course, ill-prepared for anything that could properly be called original work; and the resources of the library were quite inadequate. But we did the best we could, and the results on the whole were so satisfactory, that I was encouraged to develop the system as time and opportunity seemed to suggest. It was not for some years after the time of which I am speaking, that the course of study was made elective after the first year. As soon as the elective system came to be general, I was able to provide such preliminary work as I had strength to carry on. In course of time an Assistant Professor was furnished, and we have, in consequence, been able to add several courses not before given.

"Up to within the last year the resources of our library have not been such as to encourage us in going into an investigation of difficult and obscure questions. Nor, indeed, has that class of questions been the one I have supposed to be most useful to our students. Nearly all of them are undergraduates, and a majority of them are to be lawyers. I have thought, therefore, that their minds required a different class of questions from such as would be most profitable, perhaps, to a group of specialists intending to make the teaching of history a profession. In the first semester I gave the students a set of questions on English history; in the second, on American. The questions were, in the main, those in the last pages of my "Manual." The class taking the work varied in size from twenty to fifty. Of late, I have made the conditions of admittance more stringent, and the number does not often go above twenty-five. I have tried three different ways of conducting the exercise. In all cases, the subjects for special investigation have been assigned at the beginning of the year. In about six weeks we have the first paper—usually from half an hour to an hour in length. Then I have some years had a critique on this paper, prepared by one of the members of the class, into whose hands it had been put a week before it was to be read. I should have said that the class is always divided into groups of not more, in any case, than fifteen members, and usually not more than ten. After the critique, each member is called upon to present the results of the studies on the question before us for that day. In this way

the two hours of the session are taken up. I, of course, make such observations, comments and criticisms as appear to be called for. In this way, every member of the class prepares a paper and reads a critique every semester, and is expected to present the results of some study in addition on each of the other questions.

"Another way I have tried is to divide the questions into several parts, and have each student devote a week to some particular phase of an individual question. This results in better work, but at the conclusion the knowledge of the students is more fragmentary, and less satisfactory. Another method has been to have each student report at each meeting the result of his own studies on his own particular question. This I have found to be the most satisfactory, if the questions are properly chosen. In such a course, the meeting would not be devoted to a single question, as is usual in Germany, but to as many as happened to be in course of investigation.

"This latter is the course I pursued last year in my 'Political Seminary.' The class consists of a group of six, four of them candidates for higher degrees. Our studies were very largely of municipal institutions in different times and different countries, but not exclusively so. The results were very satisfactory indeed, so far as can be judged by the interest awakened in the students. I have been making efforts to get as large a collection as practicable of municipal documents, and I have put the students into these for the study of such of our own cities as have favored me with their reports.

"The most conspicuous success last year was a paper on the 'History of the Appointing Power of the President.' It is well worthy of publication, and I think would be regarded as a genuine contribution to current knowledge. It covers some three hundred pages of MS., and is very carefully sustained by notes and citations of authorities. Another paper of excellence was on 'History of the Land Grants for Higher Education in the Northwest.' The author of this paper, a candidate for Ph. D., is now in Columbus, O., looking at the State Records of that State. He has already visited Lansing, Madison, and Chicago, and after 'doing' Ohio is to go to Indianapolis. His final thesis is to be on 'The Land Grants for Education in the Northwest.'—more properly in that portion of the Northwest which is made up of the old Northwestern Territory. He has undertaken to trace the management in each State of all the land grants for education. I think he is doing the work thoroughly. So far as he has gone, he tells me he has examined all the General Laws and Specific Acts in the States under investigation. I think he will not only bring together a large amount of new information, but will make very clear some mistakes that have been made. Another member devoted his time to a study of the financial history of Chicago; another to a comparison of the governments of St. Louis, Chicago, Buffalo, and

Boston. I have also been getting together the means for a similar study of cities of the old world. I hope to push investigations in the history of education in the Northwest. The management of elementary or common schools, the growth of the high school, legislative interference with colleges and universities are, all subjects which might be profitably investigated."

The Historical Seminary in Baltimore.

In 1876, the Johns Hopkins University was opened in Baltimore for the promotion of science and of college education. There was no intention of establishing in this country a German university, or of slavishly following foreign methods. The institution was to be preëminently American, but it did not hesitate to adapt the best results of European experience to American educational wants. The system of fellowships, which secured at once a company of advanced students for scientific work, was, from the very outset, radically different from that of England, or from the German system of *Privatdocenten*. It was a peculiarly American system for the encouragement of original research. The historical seminary, which was instituted as soon as university-life in Baltimore began, was founded upon a purely American basis, and devoted itself strictly to American history. The director of this seminary, Dr. Austin Scott, was then associated with Mr. George Bancroft, in Washington, in preparing materials for the history of the formative period of the American constitution, upon which Mr. Bancroft was then engaged. Dr. Scott, who spent most of his time in original research in the library of the state department and with Mr. Bancroft in his own study, came to Baltimore once a week to conduct a session of the historical seminary, which met Saturday mornings.

The same course of constitutional studies, which Mr. Bancroft and Dr. Scott had pursued together, was now reviewed by six or eight university students under Dr. Scott's instructive guidance. The seminary had the feeling that they had been admitted to Mr. Bancroft's workshop, and that, by the examination of his materials and his methods, they were being taught the art of constructing history. The very manuscripts which Dr. Scott had prepared, while collecting and sifting facts for Mr. Bancroft, were shown to the seminary. Questions still unsolved were submitted to Johns Hopkins students for their consideration, in company with their instructor. Books from Mr. Bancroft's private library supple-

mented the resources of Baltimore. Original papers were prepared by various members of the seminary, and written words of encouragement for work like this came from the historian himself. The feeling was thus engendered that, in some slight ways, the seminary was contributing to the great volume of United States History. Between such creative methods of historical study and the old passive methods of reliance upon standard authorities and text-books, there was felt to be a vast difference. And yet the new methods were very simple. Instead of each man buying an expensive work of constitutional history, a set of the journals of the old Congress, the Madison papers, Elliot's debates, the writings of Washington, Jefferson, Hamilton, and a few other sources of information contemporary with the formation of the Constitution, were brought together upon a long table in the library of the Maryland historical society, where seminary sessions were held, and where special facilities were afforded for original research. Around this common board gathered the seminary which was composed originally of six or eight men, four of them "fellows" of the university. The director sat at the head of the board, and usually gave a short lecture, or informal "talk," introductory to the discussion of specific topics which had been assigned for research during the previous week. Reports were made, papers were read, and general interest was awakened in special questions touching the origin and growth of the American constitution. The relation of the States at the close of the revolutionary war, economic questions, commercial problems, the western lands, the influence of the army, the question of revenue, the efforts of statesmen, the origin and history of the great conventions, the constitutional platforms proposed, the course and results of debate, the adoption of the Constitution by the various States, the administration of Washington, the rise of parties, all of these questions and many more were studied in detail by members of the historical seminary.

Dr. Scott's weekly seminary was continued, at convenient intervals, during a period of five years. The best results of this period of study were presented to the university by Dr. Scott in the form of ten public lectures, delivered in January, 1882, upon the development of the American Constitution, under the special topics of nationalism and local self-government; the federative principle; self-assertion of the national idea; reaction; transition; power of the masses; economic questions; socialism; revolution.

Various original papers were prepared in connection with this seminary, and a few have found their way into print. A monograph, by the editor of this series, upon "Maryland's Influence in founding a National Commonwealth," with two minor papers upon "Washington's Land Speculations," and "Washington's Influence in opening a Channel of Trade between the East and West," was published in 1877 by the Maryland Historical Society (Fund Publication, No. XI.). An article by W. T. Brantly, of the Baltimore Bar, upon "The Influence of European Speculation in the Formation of the Federal Constitution," was published in the Southern Law Review (St. Louis) August and September, 1880. In 1881, Mr. Bancroft's great work was published in two large volumes, and seminary work in this attractive field was brought to a close. But attention was now being directed towards the field of American local institutions, the earliest germs of our colonial, state, and national life.

But before considering this new phase of the historical seminary in Baltimore, it is fitting to say a word concerning the seminary of constitutional law, instituted by Judge T. M. Cooley, during his lectureship in Baltimore, 1877–9, at the request of members of Dr. Scott's historical seminary. This other seminary was conducted for the special purpose of expounding the text of the Constitution of the United States and of comparing its provisions with the unwritten constitution of England. These exercises, which occurred once a week, consisted chiefly of comment by Judge Cooley, with questions and discussion by the class. Each member had a copy of Paschal's Annotated Constitution and of Baldwin's text, with references to constitutional decisions. The exercises were made especially profitable to students of history in consequence of the legal turn given to the discussions of the seminary by its lawyer-members and by Judge Cooley. Decisions of the supreme court, modifying or interpreting the text of the Constitution, were frequently cited, and the conception of our constitutional law as an organic growth instead of a machine, was thereby strengthened and deepened.

In the autumn of 1880 had already begun a new departure in historical instruction at the Johns Hopkins University, in the introduction of American institutional history as a distinct branch of historical study. The idea was the outgrowth of a special interest in municipal history, first quickened in a seminary at Heidelberg,

thence transplanted to Baltimore, where it was fostered by the reading of the writings of Sir Henry Maine, in connection with those of Carl Hegel, Maurer, Nasse, Waitz, Stubbs, and of the Harvard school of Anglo-Saxon law. The continuity of the Germanic village community in New England had been originally suggested to Sir Henry Maine by an article in *The Nation*, communicated by Professor W. F. Allen, of the University of Wisconsin. It was determined as early as 1877, after consultation with Professor Henry Adams, then and now living in Washington, to apply this principle of continuity to the town institutions of New England. Spring sojourns for four terms, beginning in 1878, at Smith College, Northampton, Mass., and summer vacations spent in old towns along the New England coast, made it possible to attempt this study, the first fruit of which was presented in 1880 to a mixed class of graduate and undergraduate students at the Johns Hopkins University, in a course of lectures, one hour a week, for one semester, upon the History of Plymouth Plantations, a course based upon an original study of the colonial and town records of Plymouth. The only work required of the class in this connection was an examination upon Sir Henry Maine's lectures on "Village Communities in the East and West." The next year, 1881, a similar course was given to advanced students only, upon "Salem Plantations," based upon vacation studies in Massachusetts.

By this time, kindred researches in the colonial and local records of other States were in progress among college graduates from various parts of the Union. A student from South Carolina was investigating the parish system of his native State. Maryland men were studying Maryland institutions. But, while advantage was thus taken of local environments, even of summer residence, these were not the only considerations which governed the allotment of territory. A New England man was encouraged to investigate the origin and development of the municipal government of New York City, Another graduate from the northeast section of the Union began to study the local government of Michigan and the Northwest, and the results of his work were read at the general meeting of the American Social Science Association in 1882, and afterwards published in their proceedings for that year. The article was republished in the Johns Hopkins University Studies in Historical and Political Science, first series, number 5.

It was a part of the new seminary plan to have its studies pub-

lished in the proceedings of learned societies, in historical magazines, and in other ways suited to the propaganda of American institutional history. Especially was it desired to obtain local recognition for local work. A paper on local government in Pennsylvania was read before the Pennsylvania Historical Society and published in the Pennsylvania Magazine of history and biography. It was also intended that these local publications should ultimately be brought together again in a regular university series. The American Antiquarian Society, the New England Historic, Genealogical Society, the Essex Institute, the secretary of the American Social Science Association, and editors of magazines kindly coöperated in furthering this aim of the seminary; and the trustees of the Johns Hopkins University, in the autumn of 1882, enabled the project to be carried out in the shape of a monthly periodical, devoted to "Studies in Historical and Political Science," the first volume of which is now complete.

The new historical seminary of graduate students began its Saturday mid-day sessions in the autumn of 1881, in a small lecture-room of the Peabody Institute, which contains a library most admirably equipped for special research, and numbering about 80,000 volumes. Here, around a long table, half a dozen advanced students met together twice a week, once for a study of the sources of early European history, with special reference to Germanic peoples, and once for lectures and original papers on the local institutions of the United States. All the sources of information, used or mentioned by members of the seminary, were exhibited upon the long table, and were passed around for purposes of illustration. The advantage of seeing and handling the books mentioned in a lecture or bibliography, is very great, compared with the simple transcription of catalogue-titles into a note-book,—a method prevailing in German lecture-courses. The Baltimore seminaries are laboratories where books are treated like mineralogical specimens, passed about from hand to hand, examined, and tested.

In the spring semester of 1882, the institutional section of the historical seminary began to hold Friday evening sessions, of two hours each, for the convenience of certain young lawyers, graduates of the university, who desired to participate in the institutional work. Meantime the library resources of the Johns Hopkins for the furtherance of such study had been increasing. It was thought

expedient to fit up a special library-room for the accommodation of the seminary, which had now increased to eighteen members. A seminary altar, in the shape of another long table, was accordingly erected, and book-shelves were built around the room, within easy reach. Here the peripatetic school of American history assembled anew and held weekly sessions until the close of the spring semester of 1883, continuing, however, its weekly meetings at the Peabody Institute for the study of the sources of English history. The historical seminary early associated with itself the graduate students in political economy, and certain professors and advanced students of history and politics in other colleges. In this associate capacity, the seminary is known as the Historical Political Science Association.

No better idea of the nature of the subjects discussed by it last year can be given than those reported in a number of the Johns Hopkins University Circular, August, 1883, among the proceedings of societies, from April 6 to May 30, 1883; topical instruction in history, by Professor William F. Allen, of the University of Wisconsin; letters from a university-student in Germany, on German methods of writing and teaching history; the limits of coöperation, by E. R. L. Gould, fellow of history; historical remarks on Talbot county and the Eastern Shore of Maryland, by Dr. Samuel A. Harrison, of Easton, Maryland; customs of land tenure among the boys of McDonogh Institute, Baltimore county, by John Johnson, A. B. [a very remarkable paper, illustrating not only the advantage of studying local environments, but socialism in miniature]; socialistic and coöperative features of Mormonism, by the Rev. G. D. B. Miller, of St. Mark's School, Salt Lake City; Machiavelli, by Edgar Goodman, A. B.; the influence of John Locke upon political philosophy, by B. J. Ramage, A. B.; the office of public prosecutor, by F. J. Goodnow, A. B., professor (elect) of administrative law in Columbia College; the income tax in the United States, by H. W. Caldwell, A. B., instructor (elect) of history in the University of Nebraska; Hugo Grotius, the founder of modern international law, by Arthur Yager, A. B., professor (elect) of historical and political science, Georgetown College, Ky.; review notices of the 300th anniversary of the birth of Grotius, by Dr. J. F. Jameson, associate in history, J. H. U.; America as a field for church history, by Dr. Philip Schaff, of the Union Theological Seminary; taxation in Maryland, by C. M.

Armstrong, of the Baltimore Bar; review of certain results of the U. S. census of 1880, by John C. Rose, lecturer (elect) in the University of Maryland [Law School]; the revised tariff in its relation to the economic history of the United States, by Talcott Williams, A. B., of the editorial staff of the Philadelphia *Press*. Abstracts of some of these papers or communications were published in the University Circular, for August, 1883, and two or three of the articles will probably be printed in the University Studies. The article last named on the tariff will be published by the Society for Political Education.

Occasionally, specialists from other colleges, or distinguished strangers who are visiting the city, are present by invitation. Among other guests during the past year, President White of Cornell University has addressed the seminary. It is of no slight interest for young men to have among them, now and then, some veteran in the field of history or politics, who, by his pithy sayings and friendly suggestions, can sometimes do more in a half hour for the development of the seminary than would days of passive reading. The older members of the seminary can never forget the deep impressions made upon students of history in Baltimore by the late Professor J. L. Diman, of Brown University, who, during his lectureship at the Johns Hopkins University, addressed the Association of Historical and Political Science. The youngest members still speak with pleasure of Mr. Edward A. Freeman, who, by special invitation, gave the university students of history six extempore "talks" upon the geography and history of southeastern Europe, whence he had recently come. Nor will some of these students ever forget the enthusiasm with which Mr. Freeman entered into the rooms for special research in the university library to examine the ancient laws of Maryland, and to talk of English institutions with the students who were there at work. Among other interesting addresses, given especially for the benefit of the seminary, was that by James Bryce, M. P., Regius professor of civil law in the University of Oxford, on "The Relation of Law to History." Mr. Bryce gave a general course to students of the university on "English Problems," but the special lecture was by request of the students of history.*

* Recently (November 23, 1883), Mr. Bryce addressed the seminary upon the subject of De Tocqueville's Democracy in America, suggesting certain points of criticism and original research (see University Circular, January,

With the opening of the present academic year, 1883–4, the seminary of historical and political science took up its abode in new and more spacious rooms than those hitherto occupied. The seminary is now established in the third story of the building devoted to the main university library, of which the seminary books form a subordinate section. As you enter the seminary library, which occupies a room fifty-one by twenty-nine feet, the most noticeable object is the long library-table, around which students are seated, every man in his own place, with his own drawer for writing materials. Upon the walls above the table are portraits of men who have influenced the development of the Baltimore seminary — G. H. Pertz, Bluntschli, Freeman, Bryce, Von Holst, Cooley, Diman. Busts of Jared Sparks, Francis Lieber and other distinguished representatives of history and politics give to mere aggregations of books the presence of personality. The library is arranged in alcoves around the seminary-table, with primary regard to the convenience of students, who help themselves to books without any formality. American history (state and national) occupies the most honored place. International law, politics, administration, economics and social science, history (European, ecclesiastical, classical, oriental), archæology, and law (Roman, German, French, and English), have each their proper place. Within the alcoves are tables for special work, which places are assigned to advanced students holding the honors of the department. These tables are somewhat secluded from the general view by revolving book-cases, wherein books in current use are placed, as we say, "on reservation." The newspapers taken by the department are distributed in the various alcoves of politics, economics, law, history, etc. Religious journals are to be found upon the ecclesiastical table.

The current magazines of historical and political science, together with new books and university publications, are kept upon the long seminary-table, which represents the centre of scientific life for those who gather about it. The latest and freshest contributions are here displayed; and when the new becomes old, it is swept away into the alcoves, to side-tables where it still remains

1884.) Dr. H. von Holst, of the University of Freiberg, in Baden, has also addressed the seminary at a recent date (October 12, 1883), upon the study of slavery as an institution, with suggestions as to the possibilities of the southern field of research for students at the Johns Hopkins University.

for some weeks on exhibition until it is finally classified in pigeonholes, pamphlet-files, or bound volumes. The back numbers of all special magazines like the Revue Historique, Historische Zeitschrift, Preussische Jahrbücher, Tübinger Zeitschrift, Conrad's Jahrbücher, Revue de Droit International, taken by the department, are kept for consultation in a room specially devoted to that purpose. In addition to these rooms, there are separate offices for the various instructors, two lecture-rooms, a newspaper bureau, a geographical and statistical bureau, and the beginning of an historical museum,—some of which features of the seminary will be described in another connection.

Seminary Life.

It is easy thus to outline a few external characteristics of the seminary, but difficult to picture its inner life. Its workings are so complex and varied, that it cannot be confined within walls or restricted to a single library. Its members are to be found, now in its own rooms, now at the Peabody Institute, or again in the library of the Maryland Historical Society. Sometimes its delegates may be seen in the libraries of Philadelphia, or in the library of Congress, or in some parish registry of South Carolina, or in some town clerk's office in New England. One summer the president of the university found a Johns Hopkins student in Quebec studying French parishes and Canadian feudalism. The next summer, this same student, at present a fellow of history, was visiting Iona and tramping through the parishes of England. He called by the wayside upon the English historian, Mr. Freeman, at his home in Somerset. Once the seminary sent a deputy in winter to a distant village community upon the extreme eastern point of Long Island, East Hampton, where he studied the history of the common lands at Montauk, with the queen of the Montauk Indians for his sovereign protectress and chief cook. Half a dozen members of the seminary have gone off together upon an archæological excursion, for example, to an old Maryland parish, like St. John's, where lies the ruined town of Joppa,* the original seat of Baltimore county; or again, to North Point, the scene of an old battle-ground and the first site of St. Paul's, the original

* With the return of spring, the Seminary will return to the vicinity of Joppa for the sake of exploiting fifteen Indian graves which are to be opened in the interest of science by the present proprietor.

parish church of Baltimore; and still again, to Annapolis, where, with a steam launch belonging to the Naval Academy, and under the guidance of a local antiquary, they visited Greenberry's Point, upon the river Severn, the site of that ancient Puritan commonwealth which migrated from Virginia and was originally called Providence, from which sprang the Puritan capital of Maryland. Reports of these archæological excursions, written by members of the seminary connected with the Baltimore press, found their way into the public prints and were read by many people in town and country, who thus became more deeply interested in the history of Maryland.

The scientific sessions of the seminary, two hours each week, are probably the least of its work, for every member is engaged upon some branch of special research, which occupies a vast amount of time. Researches are prosecuted upon the economic principles of division of labor and coöperation. This coöperation appears not merely in the interdependence of student-monographs, but in every-day student-life. A word is passed here, a hint is given there; a new fact or reference, casually discovered by one man, is communicated to another to whom it is of more special interest; a valuable book, found in some Baltimore library or antiquarian bookstore, is recommended, or purchased for a friend. These things, however, are only indications of that kindly spirit of coöperation which flows steadily on beneath the surface of student-life. It is interesting to observe this spirit of friendly reciprocity even among rivals for university honors, that is, for fellowships and scholarships. Individual ambition is undoubtedly a strong motive in student-work, but there is such a thing among students everywhere as ambition for others, call it class spirit, *esprit de corps*, good fellowship, or good will to men. The Baltimore seminary is individually ambitious, but it hails with delight the rise of similar associations elsewhere, at Harvard University, at the University of Pennsylvania (Wharton School), Cornell University, University of Michigan, University of Wisconsin, University of Nebraska, and University of California. All these seminaries are individually ambitious, but it is ambition for the common cause of science. They are all pushing forward their lines of research, but all are coöperating for the advancement of American history.

The Seminary Library.

The library of the seminary of historical and political science began in the collection of colonial records, state laws, and American archives for the encouragement of students in American institutional history. The collection was at first increased from the main library of the university, which transferred all *special* works relating to this department; then, gradual purchases were made of institutional and economic material from England and Germany, in the special interest of the seminary. In December, 1882, the private library of the late Dr. John Caspar Bluntschli, of Heidelberg, was incorporated into that of the seminary, after presentation to the University by the German citizens of Baltimore. The Bluntschli library, containing nearly three thousand volumes, with about four thousand pamphlets, represents the scientific collections of a broad-minded specialist in historical and political science, whose horizon of interest widened gradually from the pent-up limits of a Swiss canton to modern European states and to the law of nations. Bluntschli's professional position at Munich as historian of political science and as editor of the German political dictionary, his life as professor and practical politician at Heidelberg, his presidency of the *Institut de Droit International*, brought him into scientific association with specialists, not only in Germany, but in Holland, Belgium, France, Italy, Austria, Russia, and England; consequently, his library is especially rich in books, which came to him from distinguished writers in all these countries. Upon the basis of this European collection, representing the laws and history of the old world, the Baltimore seminary, conscious of its Heidelberg inheritance, proposes now to build up an American collection which shall represent the history, laws, and institutions of the new world. Already since the acquisition of the Bluntschli collection, the seminary library has increased to over eight thousand volumes. Besides many private donations, it has received two large gifts of government documents, one from the State Department, the other from the Department of the Interior; and it will henceforth be one of the Maryland repositories for all public documents issued by the United States. The seminary has sent out a circular letter to secretaries of the individual States, mayors of cities, and to prominent officials in various stations, requesting donations of documents and reports for the increase of its library; and the returns are altogether gratifying. It is hoped

that gradually the different strata of American institutional and economic history, from local and municipal to State and national life, may be represented in the scientific collections of the Johns Hopkins University.

Bluntschli and Lieber Manuscripts.

The most cherished part of the seminary library is kept in a special case, devoted to the writings of Bluntschli and Lieber. The Bluntschli family understood well that the manuscripts of the deceased scholar and statesman would be most fittingly preserved in connection with his own library. Although the manuscript collection was no part of the original purchase made by the German citizens of Baltimore in the interests of the University, yet with the purchased library came also the manuscripts as a free gift. They comprise not alone the materials used in some of his great works, but also written lectures upon various subjects and even his note-books, kept while listening as a student to great masters like Niebuhr and Savigny. The note-books are all firmly bound, and are written in the same neat, fine hand which characterized Bluntschli's manuscripts to the last. These note-books, quarto size, with six large pamphlet-boxes of written lectures and other manuscript materials, have for two of Bluntschli's pupils, now instructors in the department of history and economics, a certain *Affectionswerth;* and for all others who visit or use the library these original manuscripts are an object of very great interest. They are kept together with a complete set of Bluntschli's own writings, which are very numerous and include a large collection of special monographs. It is by a peculiar historic fitness that the published works and manuscripts of two men like Bluntschli and Lieber, who were devoted friends in life, are now brought together after their death. Bluntschli and Lieber never met face to face; they were friends, however, by long correspondence and by common sympathies. Lieber used to say that he in New York, Bluntschli in Heidelberg, and Laboulaye in Paris, formed a "scientific clover-leaf," representing the international character of French, German, and Anglo-American culture.

The widow of Francis Lieber, rejoicing that the Bluntschli Library is now in America, has determined that the manuscripts of her husband shall henceforth be associated with those of his old friend. She has accordingly sent to the Johns Hopkins Uni-

versity, the Lieber papers, with annotated, interleaved copies of his various works. They have all been placed in the same case with the Bluntschli writings, to which have been added the works of Laboulaye, so that the "scientific clover-leaf" will remain undivided. Lieber's bust, presented by his widow, now stands by the side of Bluntschli's portrait. Although Laboulaye became alienated from his two old friends in consequence of the Franco-Prussian war, yet, as Bluntschli well said, "that community of thought, science, and endeavor, which we represented for three peoples and for three civilizations, is not broken up, but will broaden and deepen and become more fruitful, as surely as the peculiar spirit and individual forms of nationality, existing of their own right, find their true harmony and highest end in the development of humanity."

COMBINATION OF THE FOUR METHODS.

[In closing his paper, Dr. ADAMS passing in review what he had read, and alluding to the presence at the Saratoga Meeting of Mr. MOZOOMDAR, a representative of that great Asiatic country in which we find the dawn of history and the first rudiments of Local Government, said:]

The Special, the Comparative, the Coöperative methods are all united in the methods of the Seminary, but coöperation is perhaps its most striking characteristic. This appears, not merely in the nature of its published work and present researches, but in the every-day relations of student-life. A word is passed here; a hint is given there; a new fact or reference, casually discovered by one man is communicated to another to whom it is of more special interest; a valuable book, found in some library or antiquarian bookstore, is recommended, or purchased for a friend. These things, however, are but slight indications of that kindly spirit of coöperation which flows steadily on beneath the surface of student life and work. It is interesting to observe this spirit of friendly reciprocity even among rivals for university honors (that is, for fellowships and scholarships). Individual ambition is undoubtedly a strong motive in student-work, but there is such a thing among students everywhere as ambition for others, call it what you will, class spirit, *esprit de corps*, good fellowship, or good will to men. The Baltimore Seminary is individually ambitious, but it rejoices to hear of the institution of similar associations elsewhere, in the University of Michigan, in Cornell University, and in the University of Nebraska. All these Seminaries are

ambitious, but their ambition is for a common cause, — the promotion of historical science among American youth, and the advancement through them of American History.

Mr. Mozoomdar being called up by Professor Harris, Chairman of the Education Department, to speak on the study of history in India, and the historical development of the Indian peoples, spoke at some length, but the following notes of his remarks have alone been preserved:

The structure of Indian society is so different from that of England and America, that I may not be able to make myself understood when I tell you how we live and act in India. The climate is so warm that we do not require the brick houses and the hearth-fires which you delight in. We live much in the open air. On the banks of the river, you may see of an evening a collection of people; and this evening gathering gives you an idea of the structure of Indian society. All topics are discussed therein; laws and penalties are there decided. Each person gives his opinion; and the opinion is weighed according to the caste, the age, the station of the speaker. But there will be no *woman* present. She will be in the four walls of the home.

Hindu society is opposed to individuality. The social life, the state and church life, are bound up with rules which cannot be transgressed. Society is patriarchal and autocratic. The patriarch of the family is called "The Man-who-acts," and the rest follow his acts. If all the members had their individual will, it would bring back "the reign of Chaos and old Night," as the people of India think.

The Hindu bathes morning and evening, and at noon again, and also if he treads on the shadow of a Mohammedan or (you must excuse me) of an Englishman. The bathing place is the great place of resort or consultation. The Brahmin gives rules for the *religious* government of the household. It is the Brahmin who pronounces the sentence of excommunication, and who tells the days on which marriages are permitted. But as for the head of the State, — the Brahmin will advise him, but cannot control him. Submission is the law of life. As the higher castes alone have the opportunity of education, the boy at ten years goes to the teacher, and becomes wholly subject to him, becomes his menial. The Brahmin boy has his head shaved, his ears bored, and his neck ornamented with the sacred thread, when he becomes a "regenerate man," or one who has received his second birth. Up to that time, he was a mere animal. Every detail of his life is decided by his teacher. When he has studied the Vedas and other sacred books, he can return to his home and be married.

In India poverty is not a reproach. In Europe the poor man and the leper are classed together; but the Brahmin is a mendi-

cant, living on public charity. He never *asks*. The wealthy consider it an honor and a duty to enquire into his circumstances and to contribute to his wants. At marriages and name-giving ceremonies, the Brahmins gather with their disciples; and they return home therefrom laden with presents of money, shawls, clothes, etc.

According to the ancient rules the first era in a man's life is that of *discipleship*. Then at twenty years comes the era of the *householder*. The householder rears up his family and lives among them till the age of fifty. He then retires into the forest with his wife. There they devote themselves to the performances of religious duties. That forest life has always been to me an interesting life. There, under the shadow of gigantic trees and moss-grown boulders, beside the river or the water-fall, you may find the man and his wife leading a life of purity, hospitality, wisdom and religion.

After ten years thus spent, comes the life of "the man who walks with God." When life's pilgrimage draws to its close, the joy and the sorrow of life are past, the Hindu with his beloved wife walks with God, is full of devout thoughts, lives in solitude, walks in his God, with his God, unto his God.

PAPERS OF THE SOCIAL ECONOMY DEPARTMENT.

I. THE RACE PROBLEM IN THE UNITED STATES.

AN ABSTRACT.

BY PROF. C. A. GARDINER, OF BROOKLYN, N. Y.

(Read Friday, September 7, 1883.)

During the past three thousand years, human progress has been identical with the development of the Caucasian race, and especially with the growth of its Indo-European branch. From our first glimpse of the race in history, it has been restless and progressive, and it should not be a matter of wonder that its uniform success has made it self-reliant, haughty and domineering whenever brought into contact with races of a different color. Here, in this Republic, the problem of races has assumed an importance never before known in human history; nor is the conflict of races a new one. The Emancipation Proclamation, the Fifteenth Amendment, the nine hundred broken Indian treaties, the Chinese bill of 1882; these, and other landmarks, show that race problems have ever been an important factor in American politics. The terms offered by our Anglo-Saxon ancestors to the Indians whom they found on this continent, were submission or annihilation, and the consequence was war. The Indian fought daily, yearly. The colonial treatment of the Indian cannot be termed a policy; nor has our course of the past fifty years been other than a *laissez faire* policy in peace and extermination in war, though nominally a system of reservations, with seclusion and non-intercourse. In the consideration of any scheme for the future, the following facts will be valuable:

The Indians, less than the whites, are the cause of the frequent Indian wars. President Seelye said: "There has not been an Indian war for the past fifty years in which the whites have not been the aggressors." Their normal condition is not, as affirmed by many, that of marauders and enemies of the whites. Official reports prove that for the past ten years, the average of marauding Indians to the Indian population was one out of every thousand. Our Indian wars have been fought at a loss of ten white men to one Indian, and the Indians who were killed have cost the government $100,000 each. For forty years, it has cost us, to fight the

Indians, $12,000,000 annually; $600,000,000 will not meet our army expenses since 1830. Disgraceful and outrageous to humanity, our policy should be changed, even for the mercenary motive of public economy. Indian character presents no innate, insurmountable obstacle to civilization. For Indian and Caucasian, the map of their faculties is identical; and if the Indian's faculties for civilized life have long lain dormant, these facts prove that they are now being aroused. Of the Indians in Indian Territory, and in the reservations, more than one-half wear citizens' clothes; there is one house for every ten Indians; they have eighty-seven boarding schools; 315 churches; one-fourth of the children go to school; one-sixth can read; 56,000 use English for conversation; 39,000 Indian families engage in agriculture, cultivate 570,000 acres of land, raise annually 2,000,000 bushels of corn, 6,000,000 pounds of cotton, and own 550,000 cattle. A long array of facts prove, (1) That when America was discovered, the Indians were not numerous. (2) That they have not been slowly decreasing; and, (3) That the decrease is not going on even today. Early estimates of Indian population are amusing exaggerations. We must discard the statement that the Spaniards destroyed, in forty years, 15,000,000 Indians, and that Montezuma led 3,000,000 warriors to battle. Bancroft estimates that the Indians east of the Mississippi and south of the St. Lawrence, in 1650, numbered 180,000, that the Indians of Virginia were one to the square mile, and that New England had 30,000. The Seminoles have doubled in fifty years; the Sioux have quadrupled in 140 years, and for the last half century, they have, at least, increased one-third, and since 1763, the Iroquois have increased. The Indians, today are not decreasing in the United States. Statements of President Seelye, Joseph Cook, Gen. Armstrong, Ex-President Hayes, and a recent statement of Indian Commissioner Price, were given to uphold the views of Prof. Gardiner. Accepting these facts, the usual method of considering the Indian problem must be radically altered. He is to be a prominent factor in our nation. Our policy from this day forward should be to civilize him and prepare him for citizenship. We should, through education, first of all encourage the Indian to self-help. Awaken in him ideas of civilized life, and he will strive to realize such ideals. In the past, he has seen the black side of civilization, — nothing for which he would abandon savagery. The brightest omen of today is that the Indians are demanding

schools and teachers. Government should fully supply this want, instead of, as at present, actually educating only one per cent. of the Indian population. Private aid does all the rest. Education should be industrial as well as literary, and government should establish manual labor schools in every reservation. State and Federal laws and courts should be extended over Indian reservations. Lands should be given in severality on the petition of the tribe, inalienable for a certain time. As the ultimate point in his progress, government should extend the full rights of citizenship. But the ballot should not be forced upon the Indian. The right of suffrage has been extended to 8,557 Indians and already two-thirds have reformed or rejoined their tribes. The solution of the political status will carry with it the solution of the Indian's social status: and his future, in race and nationality, will be identical with the future of the American people.

Far different from that of the Indian is the condition of the negro race in America. Imported as a slave, tolerated as a serf, emancipated, enfranchised, with all his social inferiority, poverty, and ignorance, he has been brought face to face with the great problems of national rule. What has been the result? Have his twenty years of legal equality met the expectations of friends? Is his future secured? A majority of the American people answer in the affirmative, and give the question no further thought. By emancipation and enfranchisement, they believe that all their obligations have been discharged; that the ballot is the black man's sword of defence, and on the broad plane of legal equality, the races are adjusting their differences and uniting in one compact, homogeneous American people. But such is not the truth, and a consideration of facts will show that little real progress has yet been made toward a final solution of the race troubles.: (1) The future home of the negro race will be in the Southern States. (2) Negroes are increasing in numbers more rapidly than the whites. (3) Amalgamation, if possible, is not desirable. (4) A final solution can result only from homogeneity of race, or the removal of one of the races from the Southern States.

Fifteen years ago it was asserted without contradiction that the negro problem would meet with an easy solution through the gradual and general dispersion of the negroes through the United States and their absorption into the mass of the American people. In 1850, there were outside of the slave States, 434,000 negroes;

in 1860, 488,000; 1870, 500,000, and in 1880, 650,000. Making an allowance for the natural increase of the negroes, we find that for thirty years there has practically been no migration of the negro race from its Southern home. During this period also, the negro has suffered social and political indignities, which we may hope he will never again suffer to the same extent. If under social ostracism, poverty, and political oppression, he has voluntarily remained in the South, we may assume that he will remain there permanently. Within a few years we have witnessed a so-called "exodus." It was a sporadic movement, and no deductions can be based upon it.

Unless some cause prevents which cannot now be conjectured, the great body of the negro race will remain within its present geographical boundaries. If a straight line be drawn from the southern boundary of Delaware to the northeastern corner of Texas, 6,000,000 negroes would be south of that line and 550,000 north of it. But, taking the seven Atlantic and Gulf States, — North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, — we have a compact, connected territory, containing nearly 4,000,000 negroes, or two-thirds of all in the United States. This territory of compact geographical position, of uniform climate and resources, may be regarded as the permanent future home of the negro race. The importance of this deduction is evident; the questions involved in the relations of the two races must be solved for good or ill on that geographical basis.

The year 1880 marked the close of the first full decade of freedom for the negro; and the census returns were awaited with great anxiety, as they would show whether the negro was an increasing or decreasing race. An examination gives these data: The white population of 1870 was, in round numbers, 33,000,000; and, in 1880, 43,000,000, or an increase of twenty-four per cent. The negro population of 1870 was 4,880,000; of 1880, 6,580,000, or an increase of thirty-five per cent. Deducting nine per cent. for immigration, which is a low estimate for the past decade, the remaining twenty per cent. will represent the ten years' gain of the native white population. The white population, increasing twenty per cent. in ten years, or two per cent. annually, will double once every thirty-five years; the negro, increasing thirty-five per cent. in ten years, or three and one-half per cent. annually,

will double every twenty years. The immigration of foreign or Northern whites may somewhat affect the future relations of the races; yet it seems reasonable to conjecture, that, within sixty years, negroes will greatly predominate in all the South; and one hundred years from today they will be double the number in every Southern State. In the Atlantic and Gulf States the negroes even today, within 100,000, equal the whites in number. Within twenty years, or by the end of this century, they will surpass them in the proportion of seven to five; in 1920, in the proportion of two to one; and one hundred years from today there will be no less than four blacks to every white in the seven States.

Amalgamation is regarded by many as a possible solution of the negro problem. Its probability and desirability are to be examined. The late Wendell Phillips has advocated it; and Canon George Rawlinson, in the *Princeton Review* of 1878, has written: "To us onlookers at a distance, entirely disinterested spectators, it seems that amalgamation is the true remedy, and ultimate absorption of the black race into the white, the end to be desired and aimed at." The examples cited by Canon Rawlinson are entirely inapplicable, with one single exception, and are simply cases of amalgamation of different family stocks of the white race. It seems strange that so careful a scholar should make such a mistake; yet he finally tells us in this article that the ancient Egyptians are the only real example of distinct race amalgamation in all history. But the ratio of brain capacity of the ancient Egyptian's skull, as compared with that of the average European, is as 146.4 to 150; thus, at the very best, if the Egyptian was an amalgam of whites and blacks, the amalgam was a positive deterioration from the white parent stock.

A careful examination of various authorities furnishes these reliable examples: —

1. The Griquas of South Africa are a hybrid of the Dutch colonists and the Hottentots, and are inferior to the negro stock.

2. The Kurughis of Northern Africa are a mixed race of Turkish-Moorish descent, exhibiting the worst traits of each.

3. The Zambos of western South America, mongrels of mixed European, negro, and indigenous American races, are most prominent among the criminal classes of South America.

4. In the East Indies the Portuguese-Malay half-castes are sunk into a deplorable condition of misery, sloth and moral degradation.

5. The English-Maori half-breeds of New Zealand are strong in body, but mentally inferior to the English stock.

6. The Dutch-Malay half-breeds of Java, known as Liplaps, are weakly in body and mind, and are said to die out in three generations.

7. In Russian-Asia slaves have united, to the detriment slaves.

8. In Chiloe and other islands off the western coast of South America we find the population, consisting of Indians and Spaniards, blended in various degrees of degradation.

9. The immense mongrel population of negroes and Portuguese in Brazil is cited by ethnologists as a solemn warning to American amalgamationists.

10. The Mestizos of Mexico are a hybrid race, acknowledged by the highest authority to be degraded in body, mind and morals.

But amalgamation has not been without its trial in this country. Negroes and whites have united, and their hybrid offspring numbers today probably 500,000. Dr. Sandford B. Hunt, a surgeon of United States volunteers in the late civil war, has examined the brains of 405 whites and negroes, with results which are most important. When white blood predominates in a mixed breed there is an increase of cerebral development, while the presence of one-fourth, one-eighth, or one-sixteenth of white blood produces a brain decidedly inferior to that of the pure negro. Topinard says of these figures that they "would lead us to believe that the mixed breeds assimulate the bad more readily than the good." Von Tschudi, speaking of mixed races, says: "As a general rule it may be fairly said that they unite in themselves all the faults without any of the virtues of their progenitors; as men they are generally inferior to the pure races, and as members of society they are the worst class of citizens." Mr. Edward Morris says: "All recorded evidence declares half-castes to be more liable to disease and of shorter life than either parent." Col. Smith, in his "History of the Human Species," doubts exceedingly "if a half-caste family does or could exist in any part of the tropics continued to a fourth generation from one stock." Dr. Knox in his essay on "Hybridity," affirms that mulattoes are the shortest lived of any class of the human race, and, in his "Races of Men," he says "with the cessation of the supply of European blood mixed race of all shades must cease."

Deterioration in brain capacity and physical power are grave evils. Even Rawlinson makes this admission. "The absorption," he says, "of the negroes by the whites could not but in some respects and for a time tend toward a deterioration of the stock." How long does he expect this to continue? Wilson, in his "Prehistoric Man," states that when the grade of quinteroon is reached the negro type has disappeared, and Rawlinson adds that, if the present black population intermarry freely with the whites, the grade of quinteroon would be reached generally within a century.

I have collected numerous facts from Bancroft's and Hildreth's histories, from the daily press, and recent review articles, which prove beyond dispute that the negro has not in the past, and does not today, enjoy in the North the real social equality which is accorded to him in the South. There is no indication of a future change, but if at any time he objects to living in the North and West, socially ostracised, as an alien and inferior, he has the option of migrating to his southern home.

In the Southern States amalgamation assumes a different phase. In seven States there are, in round numbers, 4,000,000 negroes and 4,000,000 whites. The negroes are very evenly distributed among the whites. There is only one large city in the seven States; only thirteen with a population over 10,000; only seven larger than Schenectady; only three larger than Utica.

I offer this suggestion: Amalgamation is actually taking place today. Southern estimates prove it. This will continue. The negro is making rapid progress. Charleston, Memphis, and New Orleans papers no longer deny that he is advancing. He will continue to acquire property, will become educated, will gradually assert and maintain his political equality, will approach more and more to the social level of the whites in his own midst. Thirty years from today, in numbers, in the aggregate of wealth and intelligence, the negro, outside of New Orleans, Charleston, and other large cities, will be the superior—the Caucasian the inferior race.

In seven States, the races today are equal numerically, and even now amalgamation would result in the absorption of the *whites*, *not the blacks*, and the product would represent a brain capacity in no way superior to the pure negro. Fifty years from today, when the negro will surpass the whites as two to one, and one hundred years from today, when the poportion will be four to one, the mon-

grel race will then represent brain capacity decidedly inferior to the negro of pure blood. Southern blacks will not move North; Northern whites will not move South, so that amalgamation in the United States means simply this: The absorption of Southern whites by Southern blacks, and a mongrel product resulting, which will be inferior to either of the original elements.

To amalgamate the 6,000,000 blacks, their general distribution and immediate union with the whites throughout the United States is assumed, and yet to effect their absorption will require no less than one hundred years. Amalgamation, if it is to affect the entire nation, is emphatically not desirable. Its possibility is a different consideration. In discussing this question Rawlinson and other amalgamationists have made a common initial blunder. They have assumed that the 6,000,000 negroes were to be absorbed by the 43,000,000 whites. This can never be. The blacks will remain personally in the States designated. The 500,000 in the Northern States, we may assume, will never be amalgamated. Amalgamation is the resultant of social equality and intermarriage.

The solutions offered for the negro problem by writers of today are two — (1) Amalgamation, (2) Colonization. Ultimate absorption of the blacks is impossible, as we have seen. This plan may be dismissed. The plan of exporting and colonizing the blacks — advocated by Jefferson, Madison, Henry Clay, and the early abolitionists — has been revived and advocated as the only possible solution in the last February number of the *Popular Science Monthly*. But it seems strange that any practical person should advocate such a scheme. The negro is a citizen. To deport him to Mexico, Central America, or anywhere, his own consent must be secured. As a citizen he is proud of his citizenship, and it is folly to expect that he will voluntarily expatriate himself. This plan may also be dismissed as purely chimerical.

In Edward E. Freeman's lately published "Impressions of America," occurs a very brief reference to our race difficulties. "The negro difficulty," he says, "must last either till the way has been found out by which the Ethiopian may change his skin, or till either the white man or black man departs out of the land. The eternal laws of nature, the eternal distinctions of color, forbid the assimilation of the negro." Supported by this high authority, I cannot be alone in what I say.

The removal of the negro is impossible; any general amalgama-

tion in the United States is impossible; amalgamation in the South is possible, probable, and in actual process of fulfilment. Hence, either (1) the whites must emigrate from the South, (2), must amalgamate with the blacks, or (3), must remain an inferior element, and submit to negro supremacy and rule. The more wealthy whites will gradually emigrate to the North, or to such cities on the outer border as New Orleans, Charleston, or Richmond. The remaining whites who prefer negro supremacy to emigration will gradually be absorbed by the blacks, and within one hundred years the seven States will actually be surrendered to negro supremacy. Whether the Federal Government will then welcome the negro to the national councils and, extending to him the protection of the courts and arms, will maintain him as a part of the body politic, is a question for conjecture. All the national traditions are against it. History teaches that unity of interest, which means unity of race, is the only safeguard of the republic.

Chinese immigration was then discussed by Professor Gardiner, on the ground of probable ethnic difficulties involved in unlimited immigration. He thought that "All men are created equal" has with us always meant "All men of *white color*," and our difficulties with the Indians and negroes should make us very careful in inviting new race complications.

European immigration was also discussed under the questions: (1) Are European immigrants being assimilated by the native American stock? (2) Does the rapid settlement of our public lands demand a restriction of European immigration? The necessity of maintaining the homogeneity and ascendancy of the Anglo-American element was emphasized, and the danger, which has been increasing during the past fifteen years, from "German elements" and "Irish elements" was discussed. Our public lands, (as stated in a private communication from Commissioner McFarland, under date of March 3,) remaining undisposed, number 1,241,836,891 acres. Deducting public lands of Alaska and Indian reservations, and taking the disposal of the last year as a basis, every acre of the public lands of the United States will be disposed of within fifty years, making not a single acre's allowance for barren lands or for increased demands of immigration or native consumption. Good statisticians estimate that the limit of arable lands will be reached within twenty-five years. These figures have a startling significance. According to the ratio of increase fixed by the last census,

our population will be in 1980, 528,000,000, without the addition of a single immigrant from this day — one hundred and seventy-four to the square mile, or nearly double the present ratio of China. We owe it to ourselves to provide for the future. The interests of humanity and of the American republic are identical, and we can best conserve the interests of humanity by conserving the purity and vitality of the American people, and by reserving for ourselves a home for future development and national growth.

THE RACES IN INDIA.

After the paper by Prof. Gardiner, Mr. P. C. Mozoomdar said:

The population of India numbers 250,000,000. This includes English, French, Germans, Arabs, Persians, Armenians. The European element will not exceed 100,000, of whom 60,000 are British soldiers maintained at the expense of India. The Mohammedans are about 60,000,000. About 180,000,000 are Hindus of different sects and races. In each caste we may find several races represented. There are 3,500,000 Buddhists, and 1,000,000 Christians, among whom the Roman Catholics predominate. The Mohammedans of India out-number all the rest of the Mohammedans in the world. But these Mohammedans are not an unmixed race. Every military conquest by the Mohammedans meant a conversion of the conquered. Forcible conversion was the general law; and great tribes of Hindus were thus converted into Mohammedans. The Hindus never made any conversions. The convert to Mohammedanism became alienated from Hindu society forever. The Mohammedans include many Hindus in race. In Southern India there are large settlements of Buddhists and Jines.

The Jines are not numerous, but in pecuniary power they are overwhelming. In their temples, you are surprised at the display of wealth. The great feature of these Jines is their superstitious regard for animal life. They respect the life of ants, insects and bugs, and feed them. You will find wealthy merchants buying sugar to feed the ants; and when an ant is killed by a neighbor, they will break each others' heads over the destruction of ant life.

Of the native Christians of India, more than one-half are said to be Roman Catholics. The earliest missionaries to India were Catholics. These native Christians represent anything but the Christianity of the western world; they know more about fights than about Christ and the Bible. In times of famine and of epidemic, the Christian missionaries have done incalculable good. Before the Government acted, the missionaries distributed food and medicine along with the Bible. The Hindus are very susceptible to kindness; and when the missionaries demanded conversion in return, great tribes of Hindus of the lower classes came over

into the Christian fold. The higher classes are all but untouched by the propagandism prevailing among the lower classes.

The Hindus are much more attracted toward the Roman Catholic priest than toward the English Episcopal clergyman. They see the priest walking, living very simply; and they see the English clergyman riding in his carriage, taking claret, or, perhaps, brandy, with his breakfast; and they remark the difference. But the doctrines of the Romish priest are rejected by the Hindu intelligence. The Romish priest commends himself to them by his life, but not by his doctrines.

Bengal is inhabited by the Bengalese, of whom I have the honor to be one. The Bengalese form the most intelligent race of the Hindus. Mill and Macaulay were very severe on the Bengalese. This hostile criticism was based on the physical weakness of the race. Their criticisms are one-sided and extravagant. The toughest battle with which the British had to do was fought in Bengal in 1756. The Bengalese shine at the bar and on the bench, and in the practice of medicine. The Bengali literature is spreading every year. The Brahmo Somaj was founded in Bengal. But I feel nervous in speaking of the community to which I belong.

The Marattas came from an Aryan stock; they are short and thick set. They have been known in history as a martial race. The Mohammedan who conquered every other race got thrashed in the Maratta mountains. In intelligence, they are next to the Bengalese. If the British Government dread any race, it is the Maratta; he is strong and restless. All western India is filled with this race. In Bombay, there is a Brahmo Somaj, second only to that at Calcutta. I have addressed, in Bombay, audiences of 2,500.

The Sikhs are a noble race of men. They are monotheists. If it had not been for the Sikh regiments in the British army in '59, I do not know where the British Empire would have been. Lord Lawrence became an object of gratitude in England, because he kept the Sikhs loyal. They are almost always over six feet high, with mild eyes under which is a glare of fierce courage and undaunted firmness.

Southern India contains many tribes; they are dark-skinned, more fat than muscular, with rather flat features. But they are more susceptible of progress than the people of Northern India.

How have these races been preserved? Have they run into each other? No. Indian races have always been preserved separate. What is the secret of this separate preservation of the nationalities? It is *caste*. Caste in India has not been an unmixed evil. The Hindu races may be deficient, but they are pure races; and Emerson justly says that nationality respects races, not hybrids. We have no hybrids in India; and thus far we have survived invasions and the wreck of things in general. The Brahmin could marry all

eastes, but no man of inferior easte ean marry a Brahmin woman. Bnt in latter times the liberty of Brahmins was eontraeted, and for the past two eenturies the eastes have been preserved unmixed. Hence, the monopoly of intelligenee and eharaeter; the higher you rise, the more intelligenee and nerve you find.

In former times, these raees fought with each other; but now, under the benefieent rule of a Christian nation, these animosities have eeased, and the raees are today formed into a eommon nation. The British now fear that the Indian raees may unite in one nation; henee some unserupulous offieials foment jealousies among our people.

The Hindu is a religious being; religion goes deeper far with him than any other eonsideration. Now that we try to form a synthesis of ideas, I feel eonfident that, by the blessing of God, onee more the Hindu raee shall be united in a brotherhood not unworthy of admiration. We trust that we shall be one household of God. I ask you to give us the inestimable gift of your sympathy and fellowship, that we may elaim not only the Aryans of India, but of the West, as forming one brotherhood.

On Wednesday, September 5th, Mr. Mozoomdar gave the following information concerning

The Women of India.

Woman in India has hardly any other funetion than the domestie. The word "Zenana" is an Arabie word, meaning "the part of the house devoted to the women." The inmates of the Zenana eannot come out into the apartments of the men. The Mohammedan Zenana is very like a prison. In Bombay, the ladies go about the streets with entire freedom; but not in Calcutta or Delhi, beeause there the Mohammedans are in large numbers, and the women are not safe from insult. The Brahmo Somaj are trying to relax this seelusion, not entirely, but gradually. There is very strong opposition among the refined women to this emancipation; they want to try the experiment gradually. Ladies in difierent families exehange visits; but, as they eannot walk in the publie streets of the cities, they have to be carried, and this is a matter of expense. The women are generally vigorous and strong. They are not idle; some of them read, even read Sanskrit. They are married very young; every Hindu girl is destined to marry; she must marry between nine and twelve. The Brahmo Somaj is tryiug to break up the early marriages. The re-marriage of widows has now legal sanction, but not moral sanetion. The girl may be a widow at eleven, and from then to the end of her life she is an aseetic; eating but one meal in a day, and on fast-days not even taking a drop of water to queneh her burning thirst. It is very strongly felt that a woman may not have two husbands in her life. In the Brahmo Somaj, women remarry. In native states and in

out of the way corners, the burning of the widow sometimes exists; but as a general thing, it is suppressed.

There are households into which no male medical practitioner can be admitted; the women would rather die than to have a male physician. Hence a great demand for quack medicines. Hence, also, a demand for female physicians. If you send out any female physicians, send the very best.

The Hindus do not understand the English courts very well; they are perplexed, and do not know what they say; hence they have the reputation of being perjurers. The English judges sit far above the common herd of people, and they do not speak a word of the vernacular. We are very well satisfied with the justice administered by the English courts, except when it is between white and colored.

There were so many wars in the olden time between the tribes that the British, by preventing these, have done great good to the people. But the English make themselves very much hated by the superiority which they assume, by treating the people as so far below them.

In the army, a native cannot hold any commission; he can be a sergeant or corporal, but no more.

The taxes are very heavy. The former rulers were tyrants, but now and then they were impulsive and generous. But now there is no impulse; the taxes *must* be paid.

The Hindus are naturally a water-drinking people; a great harm is done by the introduction of ardent spirits.

The lower you go in the scale of caste, the greater the liberty of the women. The lower classes are not considered high enough to be under the guidance of laws. The Hindu women are more conservative than the men.

II. THE RELATIONS BETWEEN EMPLOYERS AND EMPLOYED.

BY MRS. SARAH H. BOLTON, OF CLEVELAND, OHIO.

(Read Friday, September 7.)

A little time ago we visited the large publishing house of Cassell, Petter & Galpin, London. Nearly a thousand men were busy at the presses or preparing woodcuts, giving to the people the great need of the age, cheap yet good literature. All worked with enthusiasm. What was the secret of it? Was it because they received fair wages? Not that alone. Was it because they were treated with the courtesy due from one man to another, be he hod-carrier or millionaire? Not that only. They were sharers in the profits of the firm. Every book printed was their book. Every hour wasted was their loss. Of the capital, $200,000 is held by about 300 employés, who have been able to buy stock. Two hundred and seventy-two others, each by the payment of twenty-five cents weekly, in three years and a half become partners. Those unable to save even this, if their salary be less than $1,500, after five years of service are helped to partnership by the Provident Society, established for old or disabled employés. "Profit-sharing" of employers with the employed, is gaining ground abroad. Professor Sedley Taylor, late fellow of Trinity College, Cambridge, who has written much and ably on this subject, has given a detailed account of several of the more than one hundred firms already using this method in Europe.

The Paris and Orleans Railway Company, with 15,743 employés, has practiced profit-sharing for forty years. The entire sum allotted the men over and above market wages during this time has been $11,000,000. Formerly a bonus was paid in cash—now it is compulsorily invested for a retiring life pension, when the employé is fifty years old. Messrs. Chaix & Co., publishers, give 15 per cent. of the net profits to their workmen. The amount distributed in ten years has been $125,000. One-third is given in money, one-third to their Provident Society, and the remaing third is received after twenty years of labor. A single incident will show the interest manifested after profit-sharing was introduced. Two workmen setting type had each a lamp. They at once moved their frames together, and blew out one light to save expense for the firm of which they were now a part. The proprie-

tor has also organized a school for his apprentices, where history, book-keeping, drawing, chemistry, etc., are taught. The pupils are promised two cents for each attendance, and at the end of the month receive this for spending money.

The Company of General Insurances has for thirty years divided 5 per cent. of its profits among its employés, in proportion to their individual salaries. This is accumulated at 4 per cent. compound interest, until the workman has been twenty-five years in their employ. The sum assigned has been nearly $1,000,000.

I was interested in the immense Bon Marché, after seeing the rooms where the 2,300 clerks take their meals, and where many of them sleep, to learn Madame Boucicaut's plan. Her husband and son having died, she is the responsible head. Of the $4,000,000 capital, she holds $2,500,000, while her employés hold $1,500,000. After five years of labor in her house, all share in the profits, the sum being fixed annually by herself. This is put at 4 per cent., compound interest, till the men have worked twenty years and the women fifteen. The labor share, since the adoption of this system, seven years ago, has reached nearly $100,000.

In 1878, a company was formed in Paris, to study profit-sharing, and report its progress. The annual bulletins can be obtained from our National Bureau of Education. The Maison Leclaire, with its thousand workmen, is well known. The founder, the son of a poor village shoemaker, coming, penniless, at seventeen to Paris, apprenticed to a hard master, determined in after years to aid those who worked for him. During the first fifteen years of his business they subscribed monthly to a mutual aid society. This fund was then taken into partnership. The profits are given, after taking out five per cent. interest on capital, one-fourth to the two managing partners, one-fourth to the aid society, and half in money to the workmen. The day before his death, in 1872, Leclaire wrote his partner: "Until sound learning shall have replaced ignorance amongst the masses, until the disenherited shall have strength to raise themselves to us, we must hold out a hand to them. Otherwise the rooted antagonism between the suffering classes and the more fortunate will never cease." He said: "It is better for me to earn 100 francs and give 50 to my workmen, than to earn only 25 and keep them all myself."

M. Bord, in his piano manufactory has for twenty years, after deducting 10 per cent. on the capital invested, divided the profits

proportionately with the workmen; one part to the interest already allotted, the other according to the wages paid. Their share has been already over $240,000. The paper mills at Angouleme, with 1,500 workmen, have a somewhat similar plan. In all these cases the workingman receives his daily wages at market price. If no profits are made he receives no share, but with his employer feels the general disappointment and loss arising from increased exertion with the hope of profit.

The result from profit-sharing has been excellent. Workmen have become encouraged to save, to do more and better work, to be sober and self-respecting, and to avoid strikes as detrimental to their own welfare. They are no longer eye servants, but responsible co workers. Ambition is aroused, and they desire homes of their own. Hon. Francis A. Walker says:

"Many experiments and probably much disappointment and some failures will be required to develop the possibilities of this scheme and determine its best working shape, yet in the end, I see no reason to doubt that such a relation will be introduced extensively with the most beneficial results."

Postmaster General Fawcett, in "Pauperism, its Causes and Remedies," page 165, says:

"The public press often tells us how some iron master or some manufacturer has become a millionaire, but not a word is said about any advance in the condition of those without whose labor such vast wealth could not be accumulated. All experience shows that there can be no hope of introducing more harmonious relations unless employers and employed are both made to feel that they have an immediate and direct interest in the success of the work in which they are engaged."

A letter received from one of England's largest manufacturers has these words:

"I think when the time comes for coöperative production, it will solve many questions and destroy large manufacturing monopolies, raising the laboring slave to an independent and regenerating position in his own and our opinion. I am sure there is a strong feeling, in the mind at least of the intelligent employer of labor, that he owes his workpeople something."

Coöperative distribution has already wrought wonders. The story of the twenty-eight weavers of Toad lane reads like a romance. Of course it is objected that such broad partnerships de-

stroy the privacy of business; that workmen are unwilling to share losses—assertions well answered last year by Professor Taylor before the Manchester Statistical Society; and that wages are better in America than elsewhere, therefore labor should be satisfied. The recent great strikes in our own country, saying nothing of the 2,352 in Europe since 1870, show that there is still dissatisfaction, both with length of hours and wages. Doubtless we shall help to save our Sabbath by the adoption of the English half-holiday on Saturdays. The man who works from sunrise till sunset, scarcely knowing that the flowers are growing about him or that the sky is blue above him, must have some time for fresh air and sunshine. Shall we not also eventually help to solve the labor question by "profit-sharing?"

A hopeful sign of that future when, as the lamented W. Stanley Jevons said: "The workman's interest shall be bound up with those of his employer, and pitted in fair competition against those of other workmen and employers," rather than workmen banded together and employers together,—is the fact that never before were employers building so many tasteful homes for the employed as now. In Sweden model dwellings are erected, with the intention that the workmen, by annual payments, shall become the owners. They are usually designed for two families, three rooms for each, the rent about sixteen dollars a year, paid for by their vegetable gardens.

Mr. Krupp, at his steel works in Essen, Prussia, where 17,000 men are employed, has already built about 3,000 houses for them. He has also established schools and a reading-room. When ill, they receive half-pay and are cared for in the hospitals without cost. Saltaire, built by Sir Titus Salt for his 4,000 workmen, is clean and attractive with its two-story houses of light stone, its flower beds in every front yard, its handsome hall, used as a library, museum, and for class-rooms, its park of fourteen acres, with cricket grounds and lake for boating, and without a single saloon in the town.

The 944 Building Associations in England and Wales, with a share capital of $90,000,000, are making many waste places comfortable and healthful. Peabody, with his $2,500,000, set an example that the world will more and more emulate. Fifteen of the worst localities of London have immense brick or stone blocks, with clean rooms and happy children. While each of the nearly 8,000 rooms

pays only about fifty cents a week for rent, the net profit on capital is from 3¼ to 3½ per cent. Two other London societies have each spent $1,500,000 for a similar purpose. Some towns in France are thus using their surplus capital, believing it to be a paying investment, as well as a humanitarian scheme. The work of Miss Octavia Hill, one feature of which is that wealthy ladies shall each look after three or four houses, collecting rents and giving helpful suggestions as to health and cleanliness, deserves careful study.

Neat, skilled and able-bodied workmen cannot come from squalid homes, where food is poorly cooked and ventilation and drainage unknown. A pot of flowers in the window of shop or home, and a picture on the walls, are wonderful educators. All through Scandinavia one sees flowers in every window, be the home ever so modest. What wonder that the people are honest, the doors of a Norwegian never being locked, and that they are most tender, alike to children and to animals?

Whatever may be thought of profit-sharing and home-building, humanity, as well as self-interest, must enlist employers in the *education* of the employed. The workingman has become an important factor in our civilization. Through his increasingly strong labor organizations, men will be sent to Congress to represent his interests. Power will not be wanting, but the wisdom of the legislation thus affected, with regard to monopolies, taxes on land, eight-hour system, etc., will depend largely on the education of the constituents. John Stuart Mill said of education, as a remedy for the ills of the working people, "It is indeed not the principal, but the sole remedy, if understood in its widest sense." Said Jules Ferry, recently, "Labor and schools—that is the law of the future. It is by these that the great American democracy is daily taking gigantic strides toward the almost incalculable greatness of its destinies." France herself is nobly doing her part. There are more than one hundred art classes for adults in Paris alone, all numerously attended, and chiefly by workingmen. There are also free courses of elementary and advanced lectures in every branch of literature, art and science, including modern languages, biology and mathematics, given by men of national reputation, to large audiences, composed mostly of workingmen. Especially does one see this at the College de France and Conservatoire des Arts et Metiers. Similar courses are given in all the chief towns. This

is a feature America might well copy for her adult population. Where is our South Kensington Museum, with its science and art schools all over the United Kingdom, with evening classes for artisans at seventy-five cents a month?

The workingmen's colleges of London, the first organized in 1854 by Rev. Frederick Denison Maurice, assisted by such men as Ruskin, Rossetti, Cave Thomas, and others, are not only the best possible prevention of socialism, but the best aid to good citizenship. Thomas Hughes, M. P., is president of one college with 700 students, and Rev. Stopford Brooks of another. The course is so thorough, that some of the students have taken the B. A. degree of London University. The charge for tuition is small — twenty-five cents a term for Greek or Latin. Each Saturday evening free popular lectures are given by eminent scholars. Dr. Birkbeck began a somewhat similar work thirty years before, and his institute has become the parent of 1,000 others in Great Britain.

The "Workingmen's Club and Institute Union" is an association of 550 clubs, for mutual improvement by lectures and libraries, and for recreation. Mr. Hodgson Pratt is its leading spirit. Only recently 1,000 of its 75,000 members were entertained at the South Kensington Museum by the president and his wife, Sir Thomas and Lady Brassey. How different the position of the intelligent workingman of today from that of the Helots of Sparta, put to death at will, or the Roman peasant, sold like the ox, with the land on which he labored!

We visited, with great interest, many workshops abroad, always finding where most was done for the employed, there most was also done for the employer. In the large engineering works of Messrs. Tangye, in Birmingham, with 2,000 men, lectures are given twice a week, during the dinner hours, on political or general subjects, the men often suggesting the topics. Evening classes are held, a library provided, and a visitor for the sick. Breakfasts and dinners are furnished, the latter costing from twelve to sixteen cents. It is a comfort to see the men eating this rather than a cold dinner from a tin pail. Perry & Co., pen makers, have a dining-hall, with complete kitchen apparatus. They loaned the committee having it in charge sufficient money to purchase food at the start.

The firm also fitted up a theatre, and purchased a lantern for dissolving views. Several firms have bought brass instruments for the bands organized among the men.

Cadbury Brothers, in their large cocoa works, covering three acres, employ over five hundred persons. Especial attention is paid to ventilation and proper light. A cricket and football ground is provided for the men, and a playground with swings, etc., for the women and girls. Large dining-rooms are furnished for both sexes, where they can warm or cook their dinners over gas stoves; eighty chops can be cooked in ten minutes. From 9.15 to 9.30 every morning, the workpeople meet for a religious service. The wife of the leading minister of Birmingham gives most interesting health lectures to the wives of workingmen. Three firms in Manchester have institutes attached to their works. Others, every pay-day, give each of their three or four thousand men a paper or magazine. Penny biographies and histories are scattered widely. Rev. H. R. Haweis, the well-known author, has been an ardent promoter of this. The man who works ten or twelve hours a day has no time for two-volume novels or six-volume histories. The man or woman with leisure owes it to humanity that he or she use it for those who are obliged to toil.

In the immense works of Hudson & Co., at Liverpool and London, cocoa rooms are provided, where cocoa or tea are served at a cent a cup, a bun at the same price, with jam, meat, etc., at low rates. The profits made on the refreshments are distributed by a committee of the workpeople as they see fit. At the end of these rooms there is a stage for concerts, private theatricals, or bowling. A piano is also furnished. De La Rue & Co., printers and lithographers, some thirty years ago, organized a Factory Tea Society, to give tea with the evening meal at five o'clock daily, with tea and sugar to be taken home on Friday evenings. These being purchased at wholesale, were sold to the workmen at a fair profit, and the money put aside for their provident fund. Last year the profits were $2,500. More than 27,000 gallons of tea were sent in hot cans to the workmen. They pay weekly at the rate of two cents a pint. The fund is used in sickness or death.

James Smeaton & Sons, near Dundee, employ about five hundred persons in weaving. They provide a piano and harmonium in a hall accommodating six hundred, used as a school-room during the day, and for classes and lectures in the evening. They pay a librarian to take charge of a good library. Samuel Morley, M. P., a man of great wealth and great charities, is at the head of the Provident Society among his men. In a letter he says: "In

a large number of cases libraries with reading-rooms have been established by firms for their young men, and these are well used and appreciated. The best way to promote benefit and provident societies is, I believe, to second the efforts made by the men themselves." How nobly he has done this, the figures in last year's report abundantly testify. In Switzerland, the workingmen, in their associations, provide lectures on social and political questions. In remote communes, if there is no one else to do it, the workmen themselves prepare the lectures.

Somewhat similar work collated in our own country from Pullman, Fairbanks, Wanamaker, the Waltham Watch Factory, the Pacific Mills, Lawrence, Mass., the Passaic Rolling Mills, N. J., and elsewhere, would be helpful. Every State, and the nation as well, needs a labor bureau as ably managed as that of Massachusetts. Then we should know how long our workpeople labor, in what homes they live, and whether or not justice is done them. The State should be interested in the best good of every citizen. It is superfluous to say that a more general education is one of our greatest needs. Mormonism would die were it not for ignorance. The population question needs but the light of political economy. The masses are led by the unscrupulous. Dr. Haygood, of Georgia, rightly says: "A man who does not know that voters ought to be able to read and write, does not know enough to be argued with." And yet we have in this country 3,000,000 whites over ten years of age who cannot write, and a larger number, even of the colored in the same deplorable condition. In Germany in 1870, only 12 per cent. were illiterate. In the United States that year there were 20 per cent. In the last sixty years over 11,000,000 immigrants have come to us. Last year the average was over 2,000 a day. Professor Walker says: "If the State will see to it that the whole body of the people can read and write and cipher, that the common air and common water are kept pure, and that the first feeble efforts of the poor at bettering their condition and 'saving for a rainy day' are guarded against official frauds and speculative risks, it may take its hands off at a hundred other points and trust its citizens in the main to do and care for themselves."

Postal saving banks, such as England has tried so successfully for twenty years, with life annuities, will remedy "frauds and speculative risks," and be of great value to the poor. The gov-

ernment must do much for education, and yet we shall doubtless be obliged to have many Peabodys and Slaters before the work is accomplished. The elevation of the world comes largely from individual effort. I know a minister who teaches large classes in botany, gratuitously, that his people may have minds above the trivialities of life, as well as honor the Maker of the plants and flowers about them. The Chautauqua course of reading, started by Dr. Vincent, is doing incalculable good among the people. The country has also much to hope for the higher education of women, because of the consequent elevation of society and a race of educated men born of educated mothers. Common school education would be a blessing, if for no higher reason than that it increases the income of the laborer from twenty to fifty per cent. In the near future technical education will fit men and women to earn their living. Each large city can do at least what has been done by the business firms of Cleveland, O., in its Educational Bureau during the past two years. Mr. C. E. Bolton, after several trips abroad, determined to enlist the city in more general education for the working people.

For six weeks, each noon and night, he visited nearly every mill and factory among our 200,000 people, and with the hearty concurrence of employers gathered the men around him for ten minutes, speaking from box, counter, or anvil. Twelve entertainments were offered them for one dollar, eight cents each, with the gift each time of a condensed graphic book of forty pages. Over 4,000 took course tickets, among them 400 teachers in the public schools. Fortunately, a wealthy and generous man, Mr. W. H. Doan, had built a plain tabernacle for the use of the people, and this was packed every Saturday evening, hundreds going away, unable to gain admittance. After a half-hour concert by a trained orchestra, the people stood for five minutes, and then listened to a lecture by Beecher, Gough, Tourjee, Joseph Cook, and others. The books were on astronomy, geology, histories of England, France, or the United States, health, manners, etc. Crowds came in from the suburbs. One man who had walked six miles, only to find the doors closed, said: "I don't mind the loss of the lecture so much, if I can only have the book sent me"; and he left two cents with a stranger for postage. On the last night, which is made a special occasion, the Tabernacle being trimmed with flags and flowers, little tickets, called "red options," are sold for

twenty-five cents, transferable some months later for a regular ticket. One sick workman, out of money, offered to give his note for the twenty-five cents, because he could not bear to lose the lectures.

The second year, twenty entertainments were given for $1.50; ten indoor lectures, preceded not only by a concert, but by a half-hour prelude on the Eye, Architecture, Glaciers, or other useful subject, often illustrated, and ten outdoor concerts on the public square, under an electric light of 32,000 candle-power. The people, therefore, had concerts, preludes, and lectures in winter, and also in summer, with nearly 5,000,000 pages in the books, for seven and one-half cents each evening. After paying all expenses, $1,000 were put in the bank the first year, and over twice that amount the second, to be used, it is hoped, towards a People's College, a large public building, with hall, art gallery, and institute where drawing, wood-carving, telegraphy, etc., may be learned, and many of the things made or grown in Ohio exhibited. This self-supporting Educational bureau is upheld by a committee of one from each of the leading firms of the city. The president, Gen. M. D. Leggett, is also president of the Brush Electric Company. Hon. John Eaton, Commissioner of Education, who, as well as the press, has given the plan his hearty commendation, opens the course the coming winter. Last year, a debate on Free Trade versus Protection, by Professors Sumner, of Yale College, and Denslow, of Chicago, drew an immense audience. This winter woman suffrage will be debated. A course of lectures on cooking will be open to the wives of ticket-holders. Over two hundred letters of inquiry have been received from cities and firms, showing that there is deep interest in whatever elevates the people. Does the work pay? Ask anybody who has watched the 4,000 eager faces as they listened to every word of the speakers, or carefully read the little books, having them bound at the close of the season for twenty-five cents each. Ask those who work sixty hours a week by a heated furnace, or an oil tank, eating a cold dinner, and going wearily home by gaslight.

III. — CHILD-HELPING AS A MEANS OF PREVENTING CRIME IN THE CITY OF NEW YORK.

BY C. LORING BRACE, ESQ., SECRETARY OF THE CHILDREN'S AID SOCIETY, NEW YORK.

(Read September 7, 1883.)

Thirty years ago the Children's Aid Society began its labors for aiding, educating and reforming the poor children of New York city. Owing especially to a poor foreign immigration, and to the crowded population of the lower wards, there was an incredible number of vagrant, homeless and criminal children at that time in the streets of the city. The hope and plan of the writer were to remove these evils by three different classes of agencies.

I. — The Lodging Houses.

In 1854 it struck me that great numbers of the street children could be saved if some sort of lodging houses could be opened for them. I dreaded the effect of almsgiving, and therefore was resolved that these boys and girls should pay a small sum for the benefits we offered them. The first means for the proposed charity were procured from personal friends, and then a beginning being made, our infant Society adopted the new plan. The house was to be called the "Newsboys' Lodging House," and was opened in an old room in the "Sun" building, on the corner of Fulton and Nassau streets. Simple "bunks" (like steamer berths) were prepared for the boys, washing and cleansing arrangements were provided for them, a plain nourishing meal was afforded them, and a room was opened, in connection with the house, where the boys could sit of an evening, where school could be held in the winter and religious meetings on Sunday evening. The lodging-house, it will be seen, was a sort of combination of boys' hotel, school and chapel. Each lad was charged, for the use of these privileges, six cents per night, and six cents each for supper and breakfast. The boys soon understood that they got a great deal for their money, and they came gladly. A good, clean bed, freedom from vermin, a plain nourishing meal, and a pleasant room, with only a very moderate charge in money, proved great attractions. They were a class of youth who did not enter the public schools or the churches, and what moral and mental education they received

would come mainly from us. One of their special vices was gaming and extravagance with their money. To cure this we opened a Savings Bank and offered a high rate of interest. We taught them order, cleanliness and good morals, and wherever we could, brought religious influences to bear upon them. We insisted on attendance at the night school, and strove in every way to increase the self-respect of each lad. Where a boy was entirely penniless, the Superintendent advanced him money to support himself by some street trade. In consequence, each lad kept the habit and feeling of independence, and paid something towards his own support. The wild street boys under this patient discipline began soon to assume a new appearance. They were more cleanly, orderly and careful of their language. They saved their money and began to have the sense of property. They were anxious to learn in books, and soon looked forward to taking up some settled occupation in the country. Many of them felt the effect of religious truth and began to lead better lives. The whole was a simple, practical method of reform for vagabond youth who could not exactly be reached by the law. This "Newsboys' Lodging House," founded in 1854, was the first that I am aware of, of the kind, in the civilized world. It will be interesting to give its statistics, and show what progress has been made since it was first opened.

There have passed through it during these twenty-nine years, 187,852 different boys; the number of lodgings being 1,346,166, and the number of meals 1,359,728. From these boys, 14,832 were returned to their friends. The total expenses have been $318,125, towards which the receipts from the house itself were $115,523. The amount saved by the boys during these years has been $55,567. The sanitary results in this house have been truly remarkable. Among the 187,952 boys during the twenty-nine years there has been no case of any contagious or "foul air" disease, not even opthalmia. Only one death (from pneumonia) in 1858 has occurred, though there have been several cases of accident. One mild case of scarlatina occurred for the first time in 1882, but the boy was a servant, not a lodger, and brought it from outside.

In addition to this lodging-house, five others have been founded, four for boys and one for girls. In all these houses during the last year, 14,122 different boys and girls were fed, sheltered and

taught, at a total expense of $58,690. Deducting the receipts, together with cost of construction, $33,072, the net cost was $25,618. Dividing this by the nightly average attendance, the average cost to the public for each child for the year was about $40.50. Any prison or poor-house would have cost the public over $100 for each of these youths.

II.—Industrial and Half-Time Schools.

In a large city like New York, with great numbers of ignorant foreigners, and with crowds of exceedingly poor people, it is found that the public schools, free though they be, do not fully reach all classes. Numbers of poor children are compelled to labor on the streets as rag-pickers, bone-gatherers, boot-blacks, newsboys, peddlers, and in many other street trades. Many are kept at home, a part of the day, to take care of little children, or to aid their parents in housekeeping; many others are busy in factories and shops, as New York has become a very extensive manufacturing city. Numerous poor families are thus dependent on the labors of their children. These little boys and girls are also exceedingly dirty, and neglected in their clothing and personal habits, and the children of the respectable mechanics and well-to-do laborers do not like to sit on the same benches with them. They are necessarily irregular in their attendance, if they go to school, and they need more moral instruction and industrial training than do the children of the more comfortable classes. From this multitude of street children arose in former years the great proportion of the criminals of New York.

The "Industrial and Half-Time Schools" arose, as a necessity, to meet the wants of these youths. Such schools permit irregularity of attendance, which the public schools cannot. They send forth visitors and agents to gather in this class from the streets and the poor tenement-houses; they provide bathing and means of cleanliness. A simple meal is afforded to the most needy, and clothing is distributed as a reward for good conduct. Hand-sewing and machine-sewing, with other branches, are taught the little girls, and various industrial branches to the boys. Careful moral instruction is given these children, and there is more of a bond of a sympathy between the teachers and the pupils than exists in the Board Schools. They are to a great degree Mission and Reform Schools, yet no doctrinal instruction is permitted to

be given, for fear of arousing dissensions among the differing sects. The sole religious exercises are the Lord's prayer and a passage of scripture read without note or comment. The schools are, many of them, held in half-time sessions, so that an opportunity may be given to the street children to follow their occupation during a part of the day. A great point is made of cleanliness with the pupils, and wherever it is possible they are supplied with clean underclothing. The little assistance given to the pupil often enables a poor mother to school her child, who could not otherwise do it. These schools are under the supervision of the Board of Education, though controlled by private trustees, and they receive nearly half of their support from the "School Fund," apportioned according to their average attendance. The "Compulsory Law" which has been in execution for a few years past has brought in a certain number of children under their influence, but the law is not executed with sufficient strictness to produce very important effects, though an increase of attendance in the Board Schools is undoubtedly due to it. The great difficulty in regard to the law seems to be, however, that there are no provisions for compelling school attendance with such youth, as have an ostensible occupation in the streets. Many factory children, indeed, have been forced into half-time attendance.

The greatest good from these schools is seen in their influence on the little girls whose homes are in the vilest and poorest quarters. Many ladies of high position and education come down as "volunteers" to assist in these useful charities, and their influence, as well as that of the regular instruction in the schools, have been to save these little girls from growing up in vice and vagrancy. The statistics we shall give later, in regard to the diminution of female crime in New York, will prove the wonderful effect of these agencies. These various schools of the Children's Aid Society numbered, during 1882, twenty-one day-schools and thirteen night-schools, while 9,335 boys and 4,631 girls were taught by eighty-nine salaried teachers and forty-eight volunteer teachers. The daily average attendance was 3,676; 15,560 garments were made, and 9,135 were given out; 1,812 were the children of drunken parents, and 1,213 had been engaged in begging. These poor children saved during the year, in the schools' savings banks, $910.30. There are in several of the schools some 1,500 children of poor Italians, besides great numbers of Irish, German, Bohemian, Hungarian, and other foreign children.

The total annual expense of all these schools for salaries, rent, food, clothing, books, etc., was, in 1882, $86,489, which sum, divided by 3,676, the average number in daily attendance, would make $23.52, the annual cost for each child. This is certainly a low cost, if it be considered how much is done in the way of charitable assistance for the pupils.

III. — Emigration Work.

A third powerful agency of the Society in reforming the youth of the city has been the placing out of poor and homeless children in country homes. This was begun in 1853 by sending out circulars among mechanics and farmers in the rural districts. Gradually it appeared that the best chances for these youths, and the greatest demand for their services, were to be found in the Western States. There a child, girl or boy, growing up in a farmer's family, becomes at length of great value to the employer. Such children are regarded as children of the household, and do the same labor as the other children. All the annoyances which are connected in a new country with hired servants are avoided by employing them. The family becomes attached to them and they to the family, and as they grow up they are often adopted by the employers, or inherit property from them, or receive gifts of land or cattle from the farmer. They are not indentured, and therefore it becomes the interest of both sides to satisfy one another. The children share in all the untold advantages of the Western States, and the experience of a Christian home and all the new influences about them make a profound change in their characters. As they are not criminals, or the children of criminals, but only poor and ignorant, and mainly the offspring of honest European peasants, the reform is the more certain and lasting. This is true of the younger children. With the boys and girls over fifteen, the danger is greater, and here is where the peculiar difficulties of our work arise. These youth, like all the working population of the United States, are very ambitious for higher wages, and constantly seek to change their places, often without sufficient reason. By this migration they frequently improve their own fortunes, but give great dissatisfaction to their employers. It is from this class also that whatever petty offences are committed (and they are not many) most frequently arise.

During the thirty years in which this charity has been in operation, we have placed out over 60,000 children, mainly in the Western States. We are sending out now about 4,000 each year, of whom more than one-third are girls. These youth have now grown up in their different villages throughout the West; they are not known usually as having been the *protégés* of this Society, as this fact is carefully concealed, but immense numbers of them now occupy positions of trust and responsibility, or have acquired comfortable fortunes, or are leading honest and respected lives in different parts of the Union. The girls have often married well, and are living in honored positions as wives and mothers. It is often remarked in the West that these children turn out better than the average number of children in Western villages. The Society for the first few years keeps a careful inspection of these children. The local committees write in regard to them; local pastors are employed to visit them; a great correspondence is kept up with the employers and the children; one resident Western agent is employed constantly in revisiting them, and the Western agents who take them return constantly to look after their companies. Cases of abuse are very rarely reported, but many changes are necessarily made. After a few years this inspection diminishes, and as these youth grow up they do not desire to be known as being in connection with charitable society. Still we receive many affecting testimonials of their gratitude, and now and then little bequests as mementoes of their good will.

Within the last few years we have made special investigations as to those sent out twenty, twenty-five and thirty years ago. In 1881, forty-five names, taken at random, of children along the Michigan Central Railroad, sent out from twenty-five to thirty years ago, were given to Mr. Fry, the resident Western agent. Out of the forty-five searched for, eleven could not be found or heard of. They may have been living in neighboring localities, but to search them out required too much time and labor. Of the thirty-four remaining, good accounts were received from all except one. They had grown up to be honest, respectable young men and women, some of them had considerable properties, some were religious in character, some were in profession, and all bore a good name, except one who had cheated his employer of two thousand dollars and gone off to a distant State. These thirty-four have not become distinguished in any way, but they have

proved to be respectable and useful citizens. The fifteen dollars spent in sending each one to a home in Michigan has transformed him from a thief, vagrant or vagabond, to an honest and useful man.

We had the satisfaction, in this very district in Michigan, of reviewing our work, some seventeen years ago. At that time it was clear that out of the many placed in that State, not more than three per cent. of the small children turned out badly, and not more than seven per cent. of the larger boys.

In 1882, another investigation was made by Mr. Fry, in regard to children sent out from twenty to twenty-five years since, taken at random, mainly in the States of Illinois and Indiana. From his report it appeared that almost every one of the children whose cases he investigated, and who have been in the West over twenty years, occupies now a good position in society. One is spoken of as a justice of the peace, who was graduated from college, and is now one of the leading citizens in his village; another, as the leading lawyer of the town in which he was placed, and as a candidate for the office of State Attorney; another, as a man of college education, also a lawyer and active in all religious work; two as well-known teachers; another, as a successful physician, who had made his way through college by his own efforts; another, as a successful artist; and still another, as nominated by the State convention as clerk of the circuit court, whose talent and character are highly praised; still another is a stenographer with a good salary, and a friend of his, a civil engineer. One is a prominent druggist, doing a large business, and a companion, an eminent musician.

The girls appear to have married well, and to be rejoicing now in happy and well ordered families. The results generally are in the highest degree encouraging.

The Cost of this Charity.

During the past year, 3,957 persons were placed in homes and employment at an expense of $35,540, for all salaries, railroad fares, clothing and other expenses connected with this branch of our charity. This would make the average cost for each child placed in a home, $8.97. The same boy or girl supported in a poor-house, reformatory or prison, at public expense, would have cost probably about $140 per annum. No outlay of money is certainly so economical as that for a preventive charity.

Charges against the Emigration Work.

During the last National Conference of Charities and Corrections, held at Madison, Wis., charges were made against the Children's Aid Society by certain respectable gentlemen from the West, which showed, to say the least, extraordinary recklessness and carelessness as to the truth. Mr. H. H. Giles, of Wisconsin, stated that about seven years ago, fifty boys were brought to the State of Wisconsin, and that of the fifty, six were found in the Industrial Reform School at Waukesha. Mr. Elmore also said that he had seen "a score of them,"—the street Arabs—from New York, in this same school, and that when there they change their names so that it is not known that they came from this Society.

Mr. Fry, our resident western agent, accompanied by another agent, Mr. Schlegel, made a long and careful investigation of the records of the Waukesha school since its foundation. They searched each of the 2,022 pages carefully. Even if the boys had changed their names or their residences, the remarks under each record would have indicated whether they were or not from this Society. Only two were found which could by any possibility be referred to this association. They were as follows:

George Teely, age eleven, April 8, 1862. At the age of five was brought to Wisconsin by a Mr. Van Meter, agent of the New York Children's Aid Society, and placed with D. J. Bundy, Beloit, Wis. Committed April 7, 1862. Cause, incorrigibility. Remarks: George, having improved so well that he received the grade of honor, and having acquired more maturity of mind and strength of principle, at the request of Mr. Bundy he was permitted to leave the school and return to the family, October 22, 1865. May 19, returned again, having become refractory and unsteady. November 22, sent to a home on ticket of leave.

Mr. Fry's impression was that this boy belonged to the "Howard Mission." The next case is:

George J. Williams, age ten, January, 1869. Cause of commitment, larceny. Was brought West by an agent who was bringing a lot of boys, and placed in a home in Oconomowoc, Wis. Had been committed to the House of Refuge, Randall's Island, for one year previous to coming West.

It will be seen it is very doubtful whether either of these lads came from the New York Children's Aid Society, and yet we have placed some five hundred children in the State of Wisconsin. Messrs. Giles and Elmore may undoubtedly find other cases in this school from New England or the Eastern States, but we do

not propose to hold ourselves responsible for the children of any emigrant from the Eastern States who happen finally to be confined in the Waukesha Reform School, nor have we anything to do with those from other societies. The question is simply in regard to the children sent out by this Society.

These gentlemen, and several others in the convention, stated that no care was exercised in selecting the homes for these children; that no supervision was kept over them after they were placed, and they were in fact, abandoned in the Western States to make their living as they could. These statements are entirely untrue. The children are first sent to certain villages where there is a special demand for them, under charge of an experienced agent. This agent holds a public meeting in some hall or church; the citizens themselves appoint a committee composed of their most prominent men to consult with the agent and to decide on the applications. I have myself seen the committee reject applicants of doubtful character with great decision. The children are then carefully placed; subsequently the committee correspond with the central office. The agent also frequently employs a local pastor to revisit the children. He himself on a later trip reinspects his party; then it is the duty of the resident Western agent to revisit all the children needing attention. Beyond this, the central office keeps up a large correspondence with the children themselves and with their employers. The result of all this is a very thorough knowledge of, and care for, the children sent out by this Society.

It is true that the large boys, like all the laboring class in this country, are disposed to frequently change their places, seeking higher wages. It is this fact which has very naturally caused more dissatisfaction with the employers than any other in our work. Such boys are always described as having run back to New York, and yet the Society records will show that they have frequently gone farther west, and are doing very well. Thus, in the recent trip of our agent, Mr. Schlegel, in Kansas, he heard of a large boy sent out by Mr. Whitelaw Reid, at Ottawa, who was said to have gone back to New York. The very next day, however, he met the young man, who had a successful farm, twenty or thirty miles out, and had come into the village to "speculate in town lots." It should be remembered that none of these children, if they should become disabled or unfortunate in any way, are permitted to become chargeable on Western communities within a

reasonable term of years. We do not claim that these lads become saints, or all of them distinguished citizens, but that they turn out as well as the average children in Western villages. It is not borne in mind by the worthy gentlemen who have assailed us, that our work is on an enormous scale, and though the average of failures is small, yet to any given person at a certain spot in the West, the number of such children might seem large. Thus, in the convention, Mr. Chase, from St. Paul, reported that almost every month some of these boys appeared there who had run away from their places. Now, we have placed, within a radius of 400 miles from St. Paul, more than 1,500 children. A proportion of four per cent. among these youths, who had turned out badly, would not be large, and yet if half of these sixty children had drifted into St. Paul, any member of a charity board in that city would think that the New York orphans were succeeding very badly.

I am aware that in maintaining this position I struggle against the natural prejudices of excellent Western men, who believe that we are getting rid of our crime and poverty to put them on their shoulders. But we in New York honestly believe and are prepared to prove that this emigration of homeless children is not an injury to the West, but a blessing; that these boys and girls form a most useful portion of the working class of the Northwest, and that at least 90 out of the 100 grow up to be honest, decent, and industrious men and women.

We appeal to them too, on broad grounds of humanity. These unfortunate and homeless children, not as yet under sentence of the law, are their brethren as well as ours. They are the victims of the misfortune, poverty and crimes of others; they are not guilty of any offences themselves, and all that they ask for is simply a place at the table of life and a chance to work.

To prove the position of the usefulness of this emigration in detail is somewhat difficult, owing to the immense space the facts would occupy in a paper like this. We could give the list, if it was desired, and hundreds of the names of children in the State of Wisconsin sent out by this Society, who have been, and who are doing very well, but the repetition of these little histories would be tedious to this assembly. I will, however, indicate the salient points of a few of these, and then refer to towns throughout the State, where from one to three companies of children have

been placed. Could I summon the worthy citizens of these localities who have received the children, or the little ones themselves, who have grown up in these homes, they would make a cloud of witnesses which would be most encouraging and inspiring to all engaged in the work, and most convincing to objectors, but I must confine myself to a few very bare and dry facts.

Children in Wisconsin.

The objections in the Conference of Charities arose especially from citizens in Wisconsin and Minnesota. Now in these States we have made a very careful investigation, and have returns in regard to many hundreds of these children. If our objectors will visit in Wisconsin such towns and villages as Cambridge, Fort Atkinson, West Salem, Sparta, Black River Falls, Pole Grove, Trempealeau, La Crosse, and many others, they will hear about these New York orphans, how well they have turned out in the world, and how promising their career is.

Great numbers of these children have grown up to be men and women, heads of families with characters firmly established, having made a successful course in life. It would be a cruel wrong to these respectable young men and women to make their names public, as of those who had received charity. But if Mr. Giles will inquire in Cambridge, he will hear of one of these lads, Johnny W——, belonging to those children spoken of with such contempt by Mr. Elmore, who is superintendent of the Presbyterian Sabbath School, member of an extensive manufacturing firm at S——, Wisconsin, happily married and greatly respected and esteemed by all. At Fort Atkinson he will hear of numbers of our children who have grown up to be useful men and women; Maggie M——, married to a well-to-do and respectable business man, member of the Methodist Church and very much beloved in her circle; another married to the gentleman with whom she was first placed; another, Gustave K——, who has become Deputy Sheriff in Illinois; another, Albert his brother, still doing well with his first employer; and of still others equally successful.

If Mr. Giles could visit West Salem he would hear of William H. K——, who has been very successful and who fills an important position at Winnepeg; of Thomas S——, who has become a popular teacher; of Walter B——, who has a good position on the M. & St. P. R. R.; of William B——, who has recently died

and showed his gratitude to this Society by sending a bequest of $100, and thus of many others. In Sparta, Henry C —— (I quote the words of his employer), "does not need your Society's aid now; he started from here four days ago for Dakota with $1,000 in his pocket to buy a farm. He is a good man and respected by all who know him. We are ready at any time to receive just such another company of boys, for these certainly have done remarkably well." Another boy, Albert H——, remained in Sparta a number of years, and then bought 320 acres of land in Dakota, where he is succeeding well; another, Johnny P——, who was the most forlorn little boy when he came, the last one taken by the farmers, today is himself a prosperous farmer with a well-stocked farm of 160 acres and substantial buildings. At Black River Falls, Pole Grove, Trempealeau, and near La Crosse, Mr. Giles will hear numbers of histories of the same encouraging character. It would be tedious to enumerate them.

Only one party in Wisconsin is distinctly mentioned by Mr. Giles as having turned out extremely bad. This is a supposed "company of fifty" in Dane County, six of whom were in the Waukesha Reform School. Of this company (which numbered nine instead of fifty, and none of whom were in the Waukesha School), sent out fourteen years since, we have an exact record. They were all large boys, of that kind, who, if they do not get sufficient wages in one place are very apt to go on to another. Only one of the nine committed a criminal offence, having stolen $40 and returned to New York. Of the others, one, Thomas C——, is a successful printer in Boscobel; another, Charles W. B——, pleased his employers, but finally went to Chicago, where he is doing well; another, Henry H——, remained in his place until he was 21, has a good education and is doing well; another, George O——, disappeared, but turned up at length in Texas, where he succeeded, and has sent for his mother and brothers, and the Society has recently aided them to join him. Of the others, William J. H—— is in Chicago, and only one has returned to New York. It often happens that large boys who leave their places in this way go on to other places where they succeed better, and are finally heard from in later years by the Society. This probably was as unpromising a company as was ever sent by the Society.

Children in Minnesota.

In Minnesota the record is even more favorable than in Wisconsin.

We sent off some fifteen years ago a number of parties to different counties in Minnesota, numbering perhaps 145 children. The larger boys in these parties have changed about a good deal, as do all our working classes, but there is no record that they have been chargeable upon the communities, or have committed any crime, except in one case — a lad who was imprisoned thirty days for stealing. Within the last two or three years we have sent 260 children to Minnesota, mainly under the charge of our esteemed Western agents, Mr. J. Mathews and Mr. Trott, and, so far as we know, not a single one of these has committed a criminal offence or become chargeable to any town. In nearly all cases the villages have applied for a second or a third party of these children, and those who have been nearest the work have had the most favorable impression of it. To verify these statements I will refer to certain towns to which parties have been taken. In Worthington, Nobles County, Minn., seventy-one children have been placed on two different occasions; they seem to have given satisfaction, and we may refer to R. R. Miller, Esq., Sheriff of the county; A. B. Platts, Esq., Auditor, and Mr. Smith, of the United States Land Office. In Rock Rapids, Iowa, near Minnesota, we have placed at least fifty, and may refer to Rev. S. P. Marsh. At Albert Lea, Minn., we have placed forty-nine in two different parties. At Fairmount, Martin County, we have placed forty-eight in two different parties; at May, Martin County, nineteen; at St. James, twenty-nine; and at Lanesboro, twenty-six. No doubt, among nearly 300 children thus placed, there are individuals who have not given satisfaction, or who may have been obliged to be changed from one place to another, or may have been disposed at times to leave their situations without sufficient reason, but this is true all over the country of youths in similar situations. All that we say is, that in an immense majority of cases they have given satisfaction to their employers, and are growing up to be good citizens and worthy members of one of the best States of the Northwest. We believe that they will turn out as well as the same number of average children among the native working class of the State.

Children in Kansas.

Our work in Kansas, which has included many hundreds of children, has not been in any way questioned by the objectors, and is very popular with the citizens of that State. We have hundreds of calls from kind-hearted employers in that State for these children, far beyond what we can ever answer. These children include especially those which were sent out through the kind assistance of a generous friend of the poor, Mr. Whitelaw Reid, and also through the benevolent aid of one much beloved among the poor of New York, Mrs. J. J. Astor. Mr. Reid has been exposed to a great deal of petty abuse for his benevolent efforts in this direction, but if he could travel through the States of Kansas and Iowa, he would be abundantly compensated by seeing the great numbers of young men and women who have been saved from poverty and vagrancy, and have gained useful positions through his instrumentality. Out of the six or seven hundred children placed in Kansas, mainly through the devoted and self-denying efforts of the late J. P. Brace, who lost his life in the service, only one has been found in the State Reform School, and he committed only for "homelessness." It is believed that at least 80 per cent. have remained in the places in which they were put by Mr. Brace, and of the remainder fully one half are doing well in other places.

Diminution of Crime in New York.

The question now arises what this extended charity in New York City, with its nurseries, kindergarten, industrial schools, night schools, summer home, lodging-houses, and emigration work has accomplished in lessening crime in New York. The fruits are shown in the remarkable statistics of crime which we present below. It should be remembered that, during a portion of the period through which the following figures run, the population of the city increased from 814,224 in 1860, to about 1,200,000 in 1880, while, as usual, a great number of poor people remained here, left by the foreign immigration.

Commitments of Female Vagrants.

1857	3,449	1877	2,044
1859	5,778	1878	2,106
1860	5,880	1879	2,045
1871	3,172	1880	1,541
1872	2,243	1881	1,854

COMMITMENTS OF YOUNG GIRLS FOR PETIT LARCENY.

1859	944	1870	746
1860	890	1874	572
1861	880	1877	452
1863*	1,113	1878	475
1864*	1,131	1879	380
1865	977	1880	361
1869	988	1881	309

In regard to the commitments of young girls, it should be remembered, that our police statistics include now all those committed to Charitable and Reformatory Institutions, whereas, formerly, only those imprisoned were reported in these tables.

COMMITMENTS OF MALE VAGRANTS.

1859	2,829	1878	2,672
1860	2,708	1879	2,434
1876	1,960	1880	1,917
1877	3,253	1881	2,330

COMMITMENTS OF MALES FOR PETIT LARCENY.

1857	2,450	1877	2,346
1859	2,626	1878	2,210
1865	2,347	1879	1,844
1876	3,253	1880	2,011
		1881	1,926

COMMITMENTS OF BOYS UNDER 15 YEARS OF AGE

1864	1,965	1878 (under 14)	2,007
1865	1,934	1879 "	1,670
1876 (under 14)	2,076	1880 "	1,651
1877 "	1,930	1881 "	1,823

It will be seen from these figures that the commitments of girls and women for vagrancy fell off from 5,880 in 1860 to 1,854 in 1881, or from one in every 138½ persons in 1860 (when the population was 864,224) to one in every 647 in 1881 (when the population was more than 1,200,000). This certainly looks like some effect from reformatory efforts. Again, the commitments of petty girl thieves fell off from one in every 739 in 1863 to one in every 3,889 in 1881. Male vagrants also have diminished about 900 in

*This large increase perhaps due indirectly to the effects of the war.

twenty-one years, and largely in proportion to the population. Male petty thieves have fallen some 500 during twenty-one years, and greatly in the average to the whole number, as have also the commitments of boys under 15 years. One classification in the police reports, of what is called "juvenile delinquency," shows a like diminution of children's crime.

Juvenile Delinquency.

YEAR.	NUMBER ARRAIGNED.	MALES.	FEMALES.	COMMITTED.
1875	1,139	932	207	919
1876	1,186	888	298	976
1877	1,035	748	287	794
1878	905	654	251	695
1879	552	436	116	266
1880	628	499	129	357
1881	610	467	143	330

Commitments of Girls Under 20.

ARRESTS.		COMMITMENTS.	
1863	3,132	1877	2,657
COMMITMENTS.		COMMITMENTS.	
1878	2,172	1880	1,758
COMMITMENTS			
1881	2,107		

Grand Larceny Arrests.

MALES.		FEMALES.	
1874	1,356	1874	275
1875	1,263	1875	274
1876	1,077	1876	295
1880	811	1880	204
1881	771	1881	149

The above figures look certainly like a diminution of crime.

A remarkable effect of all these reform movements is also seen

in the general reduction of crime in this city, as is proved by the following record from the Police report of 1881 : —

YEAR.	TOTAL CASES DISPOSED OF.	ARRAIGNED.		HELD.		TOTAL.
		MALES.	FEMALES.	MALES.	FEMALES.	
1875	84,399	60,331	24,068	36,841	17,814	54,655
1876*	87,307	63,789	23,518	39,180	17,904	57,084
1877	79,865	57,859	22,006	35,335	16,631	51,696
1878	78,533	56,004	22,529	35,271	16,515	51,786
1879	65,344	46,631	18,713	28,643	14,236	42,879
1880	68,477	49,801	18,676	31,539	14,819	46,358
1881	67,135	48,998	18,137	31,255	14,054	45,309

This remarkable decrease of nearly twenty-five per cent. in all crimes against person and property during the past seven years, is one of the most striking evidences ever offered of the effects of such labors as those of this Society. It has gone on regularly, in years both of business depression and prosperity. It proves that we are diminishing the supply of thieves, burglars, vagrants and rogues.

Conclusion.

This, then, is a sketch of the great work performed by the Children's Aid Society in New York, in diminishing childish misery, and in preventing juvenile crime. The Society employs nearly one hundred agents and teachers, and has under its charge during the year 36,971 different poor children. Its total expenses for the year 1882 were $236,069, of which about $100,000 came from public sources, the rest being contributed by private benefaction.

* The increase this year (1876) was due to the unusual number of Excise cases.

DISCUSSION ON CONVICT LABOR.

(Friday Evening, September 7.)

The only paper read in this discussion was by Mr. CHARLES ACTON IVES, of Newport, R. I., stating what may be called

A NEW PLAN FOR THE LABOR OF PRISONERS.

The following plan has been proposed for the reform of the labor system of prisons: it is proposed that all prisoners shall be paid the fair market price of the labor they do. That is to say, if the fair value of the work a prisoner actually does in a day be sixty cents, he shall be paid sixty cents; if its value be two dollars, he shall be paid two dollars; and if its value be nothing, he shall be paid nothing. It is proposed that, so far as may be, there shall be no restriction of the industries or honest occupations which prisoners may follow; that they shall be allowed to engage in trades and industries on their own account, and shall even be permitted to traffic with the outside world, so far as may be consistent with insurance against escape, and the commission of frauds or other unlawful practices. That is to say, if a prisoner wishes to be a shoemaker, and has the money to start with, let him be one. So let him be a watchmaker, or a maker of hats, or baskets, or of anything he pleases; or, if he wishes to work for any one else in prison, who makes shoes or watches, or hats or baskets, or anything else, let him do so. Let him also sell his shoes or hats, or watches or baskets, or whatever he makes, either to those in the prison or to others out of prison. Let him be a tradesman or a laborer, in the freest way compatible with the other requirements of his situation, and if he does not wish to work on his own account, he must of course work for the State at fair wages. It is proposed that all prisoners shall be entirely dependent upon their industry for their living and comfort, except in cases of sickness or other disability; that they shall pay all their expenses of living out of their earnings, and that they shall be allowed to earn and to save all they can under the circumstances. That is to say, if a criminal does work to the value of but sixty cents a day, he shall not have any more of the necessities or comforts of life (including his lodging), than sixty cents will buy. If he will not work for money to pay for his food, let him go hungry. On the other hand,

if a prisoner can, by industry, earn enough to be able to pay for better food or better clothing, let him have the better food and the better clothing. It is not proposed that prisoners shall be permitted to be extravagant; on the contrary, they should not, perhaps, be allowed to spend more than a portion of their earnings, beyond a certain amount. But improvement of their personal conditions, and to a certain extent, perhaps, of their accommodations, should be allowed, — this improvement and their very living, as has been said, being made to depend wholly upon their own efforts and industry.

This plan has been suggested by the consideration, *first*, that if labor in prisons is in no way connected with the reformation of criminals, and does not operate in any way as a warning to others for the prevention of crime, present systems of prison labor are wrong because, thus avowedly without purpose, they are at least unnatural and sometimes harsh and cruel; and *second*, if labor in prisons is, or should be, in any way connected with the reformation of criminals, present systems are wrong because they do not best tend to that reformation. In other words, we should not impose unnatural or harsh labor, if that labor will not accomplish any desired result; and if we have a purpose which may be served, directly or indirectly, by one or another system of prison labor, let us see to it that we choose that system which best suits that purpose.

As to the first consideration, whether labor in prisons is in any way connected with the reformation of criminals, or serves as a warning to others for the prevention of crime, it is doubtless true, that there are many criminals in prison who are wholly irreclaimable, and upon whose character or conduct when set free, no effect can be produced by any system of labor. To say that any criminals are irreclaimable is to say that they are beyond the possibility of being, by any system of treatment, changed for the better, and with regard to them therefore, one system of treatment being as completely useless as another, we may well ask why they should not be treated with perfect humanity, unless, by treating them otherwise, we may set up their treatment as an example and warning to others. If we have nothing to gain, we should certainly spare ourselves the trouble and the pain of inflicting useless hardships, and be content with the fact that by shutting up these men, we have served the purpose of present protection against

them, while awaiting only with anxiety the time when the law will set them free. If, under the law, irreclaimable criminals are set free after a certain fixed term of imprisonment, that is the fault of the law, and does not in the least alter the fact that they should be treated humanely, it being useless to treat them otherwise.

As to whether labor or even punishments in prisons operate as a warning and example to persons out of prison, so as to deter them from the commission of crime, it is believed that they do not so operate, and that persons who are tempted to commit crime do not think of the terrors of prison life, and that when they think at all of the consequences of crime, they do not consider more than the simple loss of liberty; the being set apart under lock and key from the rest of the world; the shame and stigma of conviction for crime, and the consequent loss of their worldly prospects and the friendship of society. The hard and grinding details of prison discipline are little known and perhaps never thought of by the world at large, and it is believed that their deterrent effect upon persons tempted to crime amounts to almost nothing. If this be so, it is perfectly clear that as to all irreclaimable criminals, and in all cases where there is no hope by means of prison labor to effect any improvement of a criminal's character or conduct, prison labor should be made as bearable as possible, consistent with the fact that the criminal is or may be a burden to the State. While there can be no doubt that all irreclaimable criminals should either be imprisoned for life or put to death, it is equally clear that they should not be treated inhumanely while in prison, and there seems to be no reason why this class of criminals should not be made to support themselves in prison, nor any reason why they should not also be permitted to lay up money and to improve their condition. The State, as to them, can do nothing further for its protection than to sequestrate them, and if it should make them support themselves, so that it shall be at no expense on their account, there can be no object in adding unnecessary and useless restraints. It would also seem that the same plan should be pursued toward all criminals who are imprisoned for life, and against whom that imprisonment affords permanent protection.

While, as has been said, all irreclaimable criminals should be imprisoned for life or put to death, it is also true that nearly all criminals who are reclaimable should not be imprisoned for life, and that the State should use every exertion toward their reforma-

tion while in prison, so that at the end of their term they should be no longer a danger to society.

This brings us to the second consideration, in regard to the connection of labor in prisons with the reformation of the prisoners. As to this, it is believed that the labor system of a prison may be made more efficient toward the reformation of the prisoners than all the rest of the prison discipline, and present systems seem to be wrong because they do not, by means of prison labor, appeal in the right way to the prisoner's interest. Labor makes up the sum of life, and interest in honest labor is what makes men labor honestly. Men are honest because they believe it their interest to be honest. The more men see of honest work the more they like it, and the happier they are. Men believe, and experience shows, that in the long run honesty is the best policy. Self-interest is ever the determining factor in men's actions. It does not seem unreasonable to suppose that this most powerful of all known moral agencies — self-interest — may be successfully applied to criminals for their reformation, and by enforcing upon criminals an experience (which many of them have never had) of honest rewarded industry, that they will come to see and to apply to themselves the advantages of honest rewarded industry. It should be remembered that perhaps not more than a very few criminals have fairly chosen between a life of honesty and one of crime, and that very many criminals are such, as much from force of circumstances as from full volition. With the world's manner of living they are unacquainted, and they have never had a fair opportunity of making an honest start in life. If these criminals should be made to support themselves in prison, and should be allowed to improve their condition and to save money, — should be given an experience from day to day, and from week to week, of honest rewarded industry, with nearly all its advantages and disadvantages, it does not seem unreasonable to suppose that they would see those advantages and disadvantages, and would compare them with those which follow a life of crime.

Let is be remembered that all we wish criminals to acquire is a preference for honest labor. Their religious belief or their moral convictions in no way concern us. We simply wish them to work honestly and to live peaceably. This is the whole end which the State has with regard to them, and if honest rewarded industry has the advantages which are claimed for it, there would scarcely

seem to be a better way of giving criminals a preference for honest rewarded industry than by enforcing upon them a fair experience thereof. And it would also seem to be true that unless criminals are practically shown the advantages of an honest life, they never will be made to change their ways. It can be of but little use to exhort criminals to morality and religion, to the end that they may be better, unless the substantial advantages of morality and religion are also practically shown to them. But little can be hoped, for the reformation of criminals, from any system which treats them wholly as slaves of the State, and in which, while there may be limited opportunities of self-improvement, there are many incidents worse than any which were connected with slavery in the South. Neither the State nor the contractor for convict labor, has any interest in the lives of the criminals. The contractor has an interest in the work a criminal does, but none in his life, and under such conditions it is almost impossible to imagine that any reformatory process goes on. And yet, nearly all criminals are one day to be set free upon the world, reformed or unreformed. After years of blind labor for the State, they are expected to be better prepared and more willing to work for themselves. After living for years in a wholly unnatural way, they are expected to go back into the world to live honestly like the rest of men. Such expectations seem scarcely reasonable. If nothing is hoped in the direction of reformation from the labor systems of prisons, we have seen that those systems should be as little harsh as possible; but if labor in prisons is to be made available as a means of reformation, the means should be more strictly adapted to the end. If it be said that, under present systems, opportunities are offered for prisoners to improve themselves or to make money by extra work, we say that these opportunities and advantages are too remote,—are placed too far from the prisoner's reach. Of all men, criminals most need to have opportunities enforced upon them, persistently and patiently, until, at last, they come to realize the good of those opportunities. If, under the proposed system, criminals should prove refractory, they could be more closely confined or otherwise dealt with; but they should still receive pay for their labor, and be made to pay for their living. It can hardly be imagined that criminals would be slow to perceive the advantages of such a system. They would work much more willingly and cheerfully, as they came to see that they could save

money and could better themselves, and they would imperceptibly change their way of thinking, as they perceived the real advantages of honest labor. If criminals could carry on trades and industries, and save money, in prison, they would not be slow to see that the best way to save their earnings would not be by encouraging robbery or theft. And it might even be expected that those who, for great crimes, had been given long terms of imprisonment, would be the most surely reformed; for they would soon learn how to make the best of their terms of imprisonment, and it is not likely that years of thrift in prison would fail to inculcate in them proper ideas of how best to retain and enjoy that which they had earned. They would acquire a habit of industry which might serve them well all their lives, and, while they were toiling to lay up money, they would be the less likely to encourage crime in others.

The proposed plan should not be looked upon with fear or ridicule, because it has the semblance of mildness, and is based on humane, though rational principles. Constant and patient effort at reformation, is the only logical course for the State to pursue toward those criminals who are not imprisoned for life, and who must one day be set free. Protection, not revenge, is the object of punishment, and revenge is only good as a means of protection. If mildness will best serve our purpose, let us be mild. If a preference for honest, rewarded labor (which is all the State wishes criminals to acquire), can best be inculcated by an enforcement of honest, rewarded labor, let that be enforced. It is not perceived how a proper use of liberty can be learned from a system of slavery. and so it is proposed that the proper use of liberty shall be enforced in the prison, to the end that the criminal may see and apply to himself its advantages, and thus come to change his ways. A Pennsylvanian critic has said, in regard to the proposed plan, that the ground is already occupied; that prisoners are already taught trades and industries, and are allowed pay for over-work. But teaching criminals to work at trades and industries, and even allowing them pay for overwork, is quite different from teaching them the *advantages of those trades and industries as connected with the business of life*, by making them support themselves by those trades and industries, and at the same time letting them see how they can, besides constantly better themselves thereby. It is of no use to teach a criminal a trade, unless he is also taught and

made to see its actual value from day to day, and from week to week. It is of no use, for instance, to teach a safe-breaker the watch-maker's trade, unless he is also convinced by the enforcement of experience that watch-making is of more value, in the long run, than safe-breaking. It is not the custom of men to take up a calling, or way of living, unless that calling, or way of living, is believed to possess some value, and in the choice of an honest life, there is no exception to this rule. Therefore, it does not seem unreasonable to suppose that one good means of instructing criminals in that which we wish them to learn, namely, social order, may be by giving them interests in prison which will demonstrate to them the value of social order.

It is not supposed that the proposed plan will effect a cure in all cases; but it is believed that, in so far as prison labor may have to do with the reformation of criminals, the plan is based upon correct principles. Perhaps nothing short of flogging will cure the wife-beater, and may be the only means of placing a check upon the embezzler, the forger, or the professional burglar. If the law of punishments be wrong, let the law be changed; but let not prison discipline be more harsh than is necessary for the desired purpose, and not harsh at all where it to extent effects that purpose. Under the proposed plan, prisons should become self-supporting, and the objection against the competition of under-paid convict labor would not hold good. It has been objected to the proposed plan that it would at all times provide labor at fair wages to criminals, while there are times when many honest men in the world can find nothing to do, and so the criminals would be better off than the honest men. Supposing such to be the case, it is sufficient in reply to say, that the State is under an absolute obligation to provide means of support for the imprisoned criminal, and no less objectionable means of doing this can be imagined, than to simply put it in the criminal's power to support himself, and to make him do so.

There is an apparent objection to the proposed plan, which, however, when properly considered, is an argument in its favor. This supposed objection is that the plan proposes to deprive prisons of their terrors, and make them so attractive as to be no longer objects of dread to criminals. As a matter of fact, prisons would be only as attractive as the prisoners themselves would make them, and however attractive that might be, there would scarcely be a com-

pensation for the lack of complete liberty, and for the restraints which will be necessary under any system of prison discipline. On the other hand, if the proposed plan were put into practice, we believe it would be a long step in the direction of another reform in the manner of dealing with crime and criminals, which is fully as important and necessary as the reform of prison labor. The general plan of punishing criminals now practiced in this country, is to impose upon them, in nearly all cases, fixed terms of imprisonment, at the termination of which the criminals are set free. Now it is perfectly clear that no criminal should be allowed to go out of prison if he intends, upon his release, again to commit crime. Punishment is but the means which the State uses to the end of protection against criminals; and their punishment should be continued till its end is accomplished. Therefore, the State should never release a criminal without some good assurance that the latter does not mean to fall back into his evil ways. Without some such assurance, there is as much need of keeping a criminal in prison, after the expiration of a term of twenty years, as there was of locking him up in the first place. Hence the folly of imposing upon all criminals fixed terms of imprisonment, with liberty after their termination, regardless of the criminal's reformation. But, while no criminal should be released from prison who does not mean to be a good citizen, *neither should all criminals who are truly reformed be immediately set free;* for to do this would be to ignore entirely the element of example and warning to others, not criminals, which should be considered in all systems of punishments. While the *details* of prison discipline may not have any deterrent effect on others, not in prison, the example of *imprisonment itself* may and probably does prevent many persons from committing crime; and if this safeguard against crime were weakened, to the extent of releasing all criminals immediately upon their supposed reformation, the ranks of criminals would probably soon receive numerous accessions from those who have large capacity for dissimulation, combined with considerable intelligence and craft.

Therefore, while the system of imposing fixed terms of imprisonment upon criminals should be preserved for the sake of its deterrent effect, there should in most cases be imposed a further condition that it shall be made to appear to the State before a criminal's release, that he is not likely again to commit crime. What assurance of this kind should be necessary to the release of

a criminal is a matter to be determined; but the recommendation of men who had carefully and competently observed his character and conduct should at least be required. Perhaps there should be established permanent boards of prison-governors, men whose duty would be to observe and to study the character and conduct of the prisoners, to whom all complaints should be preferred, and upon whose recommendation should depend the release of nearly all criminals. As has been said, some such reform in the manner of dealing with criminals is important and necessary. But before society will permit the term of imprisonment of criminals to be left thus undefined, and dependent upon the judgment of a few fallible men, it will be necessary for all the details of prison discipline to be so reformed that there will be no room for charges of cruelty or inhumanity toward prisoners. It will not be until all criminals are guaranteed perfectly humane and rational treatment, strictly adapted in all cases to the proper end, until every detail of prison discipline is planned with a view to the reformation of the criminals, and until all unnecessary and irrational punishments are abolished, that we may look for the establishment of the reform of which we are now speaking. In the supposed objectionable humanity of the proposed plan of prison labor, we think we see a step which may make possible this last mentioned reform.

In putting into practice the proposed plan, there would be many details whose settlement could only be effected by experiment; such as the extent to which criminals should be allowed to have better food or better clothing, by paying for it, and whether at all, or under what circumstances, they should be allowed better accommodations in the prison. But if the principle of the plan be good, no amount of difficulty as to the arrangement and execution of its details should prevent its trial or adoption; for the object in view is worthy of the greatest exertion and the most unfaltering patience. In conclusion, let there be asked for the plan the careful consideration of those men who make this and other important social questions the study of their lives. From those who desire profit from, or who are in any way committed to, present systems, opposition is to be expected; but if the plan be good, it will bear any test of fair criticism.

Prof. Wayland, Chairman of the Connecticut State Prison Board, who presided, opened the debate as follows:

The object of punishing crime by imprisonment is to protect society by confining and reforming the criminal. How long shall the confinement continue? The system of time-sentences is absurd and illogical. For how long do you send a sick person to a hospital? Till he is *well*. But the confinement of the criminal is often determined by the caprice of the judge at the moment of his passing sentence. Two men were tried for horse-stealing, before two judges, in adjoining counties. In all material particulars the cases were exactly alike. One man was sentenced to six months, the other to fourteen years. For the first offence, certainly, the convict should be imprisoned until reformed.

"Why have *labor* in prison?" Shall society, which has already suffered loss from the man, support him, or shall he support himself? In order to be reformed, the man must be subjected to discipline, to regular hours, to labor. He must be so taught as to be enabled to support himself after he is released. As to the kind of work: he must do what, on the whole, is for the interest of the State. There are various modes of administering labor in prison. (1) There is the contract system, letting out the labor to the highest bidder. This may be so done as to put the prisoner wholly in the power of the contractor, or all may be subordinated to the proper discipline of the prison. The labor is offered in open market. This is the system in Connecticut; and I have never heard a well-grounded complaint. Our men manufacture boots and shoes. Every person on leaving the prison can obtain work, if he is honest and industrious.

(2) There is the Public Account system, in which the State manufactures articles and sells them in open market, and the warden manages the business. But this is no legitimate part of a warden's occupation, nor is it the business of the State thus to manufacture.

(3) Then there is the Piece-Price system, which Mr. Brockway will no doubt explain.

The whole subject demands the utmost care and deliberation; and nothing can be more unwise than to make a change at the demand of a demagogue. The only way to get at this in a common sense way is to appoint a competent commission, and to have the subject fully examined.

Mr. Z. R. Brockway, of the Elmira State Reformatory, said:

Prisoners must labor. Protection to the State involves this.

After suitable and sufficient penitentiary buildings are supplied, the thing next in importance is a right system of classification, to be followed immediately with industrial occupation. There is too much regard for revenue now, just as was the case sixty years since.

(A) The necessary cost over earnings for prison maintenance is small when compared with other public expenditures; it is an

amount the people will gladly pay for genuine protection from crime. Assure them of proper economy, good business management, and they are satisfied. Revenue at sacrifice of better benefits is not really desired. Two millions saved to the State of New York by Superintendent Pilsbury during his term of five years, had no influence in naming his successor, his reward was retirement. The ante-mortem statement made to the writer by Amos Pilsbury, the father, was of regret that he had paid any prison revenues into the public coffers, and that he had not expended the profits earned by his remarkably successful financial management upon the criminals of his charge in various ways for the public benefit through them. It is possible but not always desirable that prisons shall be self-sustaining. Regard for revenue is the prop of the southern and southwestern lease system, supposed to be bad, and of the prison contract system generally in vogue throughout the country, which is also an obstacle to the best results from the penitentiary system.

(B) The current contract system of employment relieves the State from risking public funds in the hands of public officers in manufacturing and commerce; simplifies the immediate management of prison and prisoners; and furnishes for the time. a definite and reasonably reliable income easily estimated. On the other hand, it leaves the liability of idleness for the prisoners at the expiration of the contract period, or what is almost as great an evil, the introduction of a new industry, often disorganizing, indeed, well nigh destroying the possible benefits to the men from sustained industrial training; the very simplicity of business management makes it a place for partizan appointments, leads to frequent change of governors, which, depressing a healthful ambition, hinders progress, and deprives the State and the prisons of the benefit of long experience in prison government; it introduces among prisoners through the contractor and his agents a mercenary motive inordinately, and sometimes with a finesse and crookedness in their contact with the criminal, akin to the finesse and crookedness of the criminal himself, for which he is confined; it divides the controlling authority, introducing an influence, political or otherwise, often dominating the prison officers, determining the very discipline of the establishment; its tendency is to drive the prisoner, if not under too great nervous strain and beyond proper physical effort, to drive him nevertheless and along a single process of routine work with little regard to preparation for his future industrial prosperity. In short, the contract system, in its spirit and practice, is opposed to the real and high purpose for which the State maintains the penitentiaries, namely, protection from crimes through the reformation of the offenders.

The question of convict contract labor is a live one at this time. California has abolished it by constitutional amendment, and

Pennsylvania by act of the last legislature. Ohio is committed to its abolition by the platform of both political parties in that State, and has at work now a commission to report to the next legislature a bill to that effect. In New York, the people are to vote on the question this fall. New Jersey has restricted contracts for prison labor by limitations, injurious if not ruinous, and throughout the country legislatures are considering it. It seems the contract system must go; it certainly would go, if the wisdom of the times could suggest a satisfactory system to replace it. It is understood that the public outcry against the system is largely demagogic, and is as much against every system of prison labor as against this particular form of it; but there is little prospect that sober-minded citizens will consent to the cost, the corrupting effect, and the cruelty of maintaining the prisoners of our penitentiaries in idleness. The thoughtful among us, recognizing the real evils, are moved by this factious opposition even, to get rid of the system with its evils, and because of its evils. The want of the time is some suitable substitute.

(C.) The "Public Account Plan," that is, when the State becomes the manufacturer, furnishing capital, conducting the manufactures, and disposing of the products in open market, has been tried with varied success, and is now the system in several short-term prisons, at least, and in the State prisons of California. The points in its favor are (presuming good management), viz.:

It supplies a basis of inherent income as permanent and reliable as the income of a private or corporate business firm, enabling such perfection of organization and steadiness of administration as promotes, in harmony with other means, the best disciplinary development of the prisoners. It gives unity to the prison government by which the industries may be delivered from the purpose of pelf, facilitating the teaching of trades, and training in higher branches of mechanical and industrial arts.

It makes an active demand for very competent prison governors, and is therefore likely to secure the most competent prison management in all respects. The skill required in the business affairs and the opportunity to exercise it, leaves no time for the officers to manipulate caucuses or politics, tending thus to remove prison management from partizanship, giving permanency to official position, a field for worthy ambition, with opportunity for study, invention and experiment in the intricate matter of making over bad men or citizens into good ones; which is the real purpose of penitentiary treatment and the highest work that can engage human energies.

But there are objections to the Public Account System that are so weighty as to prevent probably its general adoption. There is the monetary risk. Not so much the ordinary hazard of capital in manufactures and commerce, nor the extraordinary hazard of public money so invested and managed by officials who, of them-

selves, have no practical knowledge of the business they conduct, or personal liability in case of loss or failure, for these risks may be reduced to the minimum. But rather the risk arising from the fact that the industries must be really under control of a popular legislature whose action may be affected by partizan or other considerations than those governing a business firm in the conduct of its business. In one instance, at least, the industries of an institution, well organized, developed to the point of acknowledged immediate success, were, by the manipulated legislature, changed, involving an unnecessary sacrifice of valuable goods and a permanently diminished annual income. Another objection is, that this system occupies too much of the time and attention of the prison governor in outside business, such as purchasing manufacturing material, and sale of products, diverting thus his time and attention from that personal knowledge of each prisoner under his charge, so necessary to real reformative results; or, in case a commissioner of industries is employed, divides the responsibility, tending to interference and friction as injurious as is the divided control under the ordinary *per diem* contract system. A compulsory reformatory system involves the direction by a single head, of all the means, whether industrial, educational, disciplinary, or moral and religious. It is so intricate and delicate as to be easily destroyed by extraneous influences or conflicting control.

The Public Account System, in the form we are considering it, is impolitic because of the large amount of investment required, and the popular suspicion when public money is largely intrusted to individual investment and care. It is estimated that for plant, for material, for a stock of manufactured goods, and for cost of citizen experts, each operative or prisoner must represent one thousand dollars of capital; so that a prison of five hundred workers would require half a million of money for manufacturing, while for the State prisons of New York, upon this basis, three millions must be supplied by the taxpayers. It could hardly be expected that such an opportunity for patronage could long remain unused for partizan ends, or if, by any means, it should be kept strictly to its legitimate use, the necessary conflict to preserve it would, of itself, jeopard the general prison management. It is questionable also whether it is not wrong in principle, for the government of a State or nation to directly engage in manufacturing and commercial enterprise with funds forced by taxation from the pockets of the people.

(D.) There is a possible substitute for the contract and Public Account Systems well nigh free from the objections named. It is the Piece Price Plan; that is to say, the contractor shall supply machinery, materials, and, perhaps, citizen expert instructors, receiving and disposing of the manufactured goods on his own account, of course. The State furnishes operatives (prisoners) whose services are to be paid for, not by the day, as now, but by

the piece or process for work done to a given standard of perfection. By this system (1), the State is relieved from furnishing manufacturing capital; (2), the whole business of the prison governors is with the prisoners; (3), the control of the prisoners is unified; (4), the evil influence of the contract employés is abated, because the contractor gains nothing by extorting exorbitant tasks, there is no motive for chicanery; (5), the State is most sure to receive the real value of the prisoners' labor, more or less, and the State alone is responsible for the amount the prisoner shall earn; (6), the Piece Price Plan best enables the prison government to place the prisoner in condition, as to labor and living, closely analogous to the natural social state in this regard, the prisoner may be made to live and enjoy whatever he can earn, but no more, and such a situation is most serviceable in training and testing under the remedial regime; (7), since the Piece Price Plan is almost universally in use by private manufacturers, the fair rate per piece can be easily ascertained, and may by law, if thought best, be fixed at the average paid free laborers in the same locality for the same quality of work, thus to the nearest possible point equalizing the valuation of prison labor and free labor by which injurious competition here, if any exists, is removed. Contractors generally express themselves satisfied with such a system, because they are by it relieved from all anxiety and liability for the quantity of work the prisoners shall do or not do, being sure to get an equivalent for every dollar paid the State for labor.

The Piece Price Plan can be put in place of the contract or Public Account System easily and without injury; the present industries may be, and would naturally be, continued. The system of accounts required is simple, and may be fully guarded against fraud by the identity of interest in earnings between the State and the prisoner.

Prison industries should always subserve conjointly three grand purposes, which are, when stated inversely as to their importance, namely, Income, Discipline, Rehabilitation. Believing the plan here proposed best meets this requirement, and quite removes any real or fancied ground of complaint from the mercantile or laboring classes, it is recommended that the Piece Price Plan be put in the place of the Contract and Public Account systems of employing prisoners.

Mr. Perry, of Albany, (a contractor for prison labor), said:

Why are so many men, and such young men, in prison? It is from the action of the Trades Unions of this country. Take the molders. Formerly they employed boys as helpers, a hundred to a hundred men. The Trades Union forbade this. Hence, on every street-corner are hundreds of idle boys, given up to crime. I know of no prison that is run by the contractors. The work is not half

of a day's work of a man outside. The Trades Unions object to labor in prisons, because it is labor which they cannot control.

Dr. Burton, of Auburn, said:

I can confirm what was said by Mr. Perry. I was for fourteen years in charge of the medical department at Auburn Prison. During that time, I devoted myself wholly to prison matters. The contract system is the only one that is just to all parties. The contractors who are most kind to the men, get most work out of them. In many cases, the contractors found work outside for the men after their release.

AMERICAN SOCIAL SCIENCE ASSOCIATION.

CONSTITUTION,

LIST OF OFFICERS, COMMITTEES AND MEMBERS,

1883–4.

BOSTON, APRIL 1, 1884.

THE AMERICAN SOCIAL SCIENCE ASSOCIATION

Was organized in October, 1865, at a public meeting in Boston, at which the late Governor ANDREW presided. Its Presidents have been Prof. W. B. ROGERS, SAMUEL ELIOT, GEORGE WILLIAM CURTIS, President WOOLSEY, DAVID A. WELLS, President GILMAN, of Baltimore, Professor WAYLAND, of Yale, and General EATON, of the U. S. Bureau of Education, who now fills the office; its Secretaries, SAMUEL ELIOT, HENRY VILLARD, and F. B. SANBORN. It now has members in nearly all sections of the United States, numbering in all between 300 and 400.

Its object, stated briefly, is to encourage the study of the various relations, social and political, of man in modern life; to facilitate personal intercourse and the interchange of ideas between individuals interested in promoting educational, financial, sanitary, charitable, and other social reforms and progress; and promptly to make known to the public all theoretical or practical results which may flow from such studies or investigations. To some extent these ends have been successfully attained, by the organization and growth of the Association, and the periodical public meetings of the members, with the accompanying reading of papers and discussions.

Our income has hitherto been sufficient to meet our expenses; but it has been necessary to rely upon sources which may be called extraordinary. The Association has no funded property; its *regular* income is composed mainly of annual payments from members, which amount to less than $1,600 *per annum*. The cost of publishing two numbers of the Journal (about 400 pages, 8vo.) is $800; the salary of Secretary, expense of annual meetings and incidentals, $1,000 more, in round numbers, or a total of $1,800. It is thought that the time is come when we may confidently appeal to the general interest felt in Social Science throughout the country, for the purpose of establishing our finances upon a solid basis, by enlarging our list of members to 500 or 1,000. It is believed that an institution supported in this way, and relying on a wide-spread popular feeling of interest, will not only stand firmer, but will accomplish its educational object far better than if (as hitherto) supported by a few subscribers. In order to avoid misapprehension and prejudice, it may be stated that while the Association welcomes all new ideas, and encourages the greatest freedom of intelligent expression and debate, it does not hold itself responsible for the opinions of its individual members.

Membership is obtained by the annual payment of five dollars. This confers the right to take part in business meetings of the Association, and to vote in election of officers, and entitles one to receive its publications free of expense. The publications consist chiefly of the "Journal of Social Science," which includes the results of the work of the Association, more especially the proceedings and papers of the General Meetings.

It would seem that the desired increase in membership ought to be easily obtained; and the Council believe that it can be, if those who read this will become members, and aid in interesting others.

Publications can be obtained and information had by addressing F. B. SANBORN, Concord, Mass., or the Publishers for the Association, A. WILLIAMS & Co., Boston, and G. P. PUTNAM'S SONS, New York.

CONSTITUTION.

[It will be seen that under the Constitution, as here printed, a new organization of the officers of the Association has been made,—what was formerly called the Executive Committee, being now the Council.]

The Constitution, as amended January 14, 1880, is as follows:

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general surpervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of the President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors, shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence, a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex-officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And whenever a Local Department shall be organized and recognized as such by the Council, its chairman shall become *ex-officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member, exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendments.

OFFICERS OF THE ASSOCIATION,

1883-1884.

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[All Officers are *ex-officio* members of the Association; but persons serving on Department Committees may or may not be members of the Association. In recent lists, these members have been classified by States, but, for convenience, in the present revised list the annual members are given alphabetically, without reference to States; then the life members follow, classified by States, and finally the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessment for two years; but members so dropped can be restored to the list by paying their arrears. If former members do not find their names on the list as it now stands, it will generally be for the reason just mentioned.

No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it, up to April 1, 1884, but, no doubt, the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.]

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